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John M. Palmer

John M. Palmer

THE
BENCH AND BAR
OF
ILLINOIS.

HISTORICAL AND REMINISCENT.

EDITED BY
JOHN M. PALMER,

WITH CONTRIBUTIONS FROM A NUMBER OF THE FOREMOST MEMBERS OF THE
LEGAL PROFESSION IN THE STATE.

VOLUME I.

CHICAGO:
THE LEWIS PUBLISHING COMPANY,
1890.



Adams

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PREFACE.

It may be recalled that in the prospectus of this work there appeared the following words, which, per se, stand in justification of the history of the Bench and Bar of Illinois :

"The memory of the life of even a lawyer is fleeting—a name written upon the sandy shore of time, effaced by the oncoming wave of the next generation; his work is for the present, and unless some effort is made to preserve in permanent form a record of that work it will be lost to the future. Even the great judges are forgotten; they live only in the pages of dry and musty reports, and then the recollection is only a shadow. In no better way can some of the most valued items in the history of the lives of such men be preserved than through the medium of such a work. Thus may the merits and virtues of those eminent in the profession be recorded for the emulation and guidance of the younger generation."

In the compilation of the work the editor and the publishers have fully recognized the magnitude of the task set them, and in the collation of material for the same there has been a constant aim to use a wise discrimination in regard to the selection of subjects and the methods of treatment. The province of the work is entirely aside from technical lines, and the subject-matter is presented in a style which is mainly reminiscent, though due recognition is accorded the contemporaries of the bench and bar of this end-of-the-century period.

In the compilation recourse has been had to divers authorities, including various histories and historical collections, and implying an almost endless array of papers and documents, both public and private. That so much matter could be gathered from so many original sources and then sifted and assimilated for the production of a single work without incurring a modicum of errors and inaccuracies, would be too much to expect of any corps of writers, no matter how able they might be as statisticians or skilled as compilers of such works. It is, nevertheless, believed that no inaccuracies of a serious nature can be found to impair the historical value of the volumes, and it is further believed that the

results will supply the demands which called forth the efforts of the editor, his assistants and the publishers.

Names worthy of perpetuation here have in several instances been omitted, either on account of the apathetic interest of those concerned, or the inability to secure the information demanded. Earnest co-operation has been accorded by leading members of the bar in various sections of the state, and the editor and publishers, as well as the patrons, can not but feel grateful to those who have thus contributed. In other quarters it has been impossible to awaken the requisite interest, and in such cases it has been necessary to fill in the gap as best possible. However, the incidental references made to those who have been important actors in the public and civic history of the state will serve to indicate the generic phases and will shadow forth much to those who can "read between the lines." As issued under the editorial supervision of one who has honored and been honored by the great state of Illinois,—“a state that has been enriched by his character, his example and his labor,”—we can not but feel that the edition will meet with hearty reception as a work of distinct and intrinsic historical value.

THE PUBLISHERS.

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THE BENCH AND BAR OF ILLINOIS.

CHAPTER I.

INTRODUCTORY.

WHEN I accepted the position of editor of the history of the Bench and Bar of Illinois I supposed from my early acquaintance with the judges and the lawyers of the state, aided by contemporary publications and by the voluntary contributions of those who would, from consanguinity or affinity to the judges and the lawyers of the "old time," feel interested in their fame, I could prepare sketches of their professional and judicial history. I am under great obligations to some of these sources of information.

I was admitted to the bar of Illinois on the 18th of December, 1839. The judges of the supreme court, with the governor, constituted a "council of revision." They convened at the capitol of the state, and held their judicial terms there. When I "came to the bar" William Wilson was the chief justice and Thomas C. Browne, Samuel D. Lockwood and Theophilus W. Smith were associate justices of the supreme court.

The whole population of the state of Illinois, as was shown by the census of 1840, was 476,183, and even as late as 1850 the population of the state was 851,470, and the county of Cook, including Chicago, only contained 43,385 inhabitants. The whole of the state of Illinois then constituted one federal judicial district, and Judge Nathaniel Pope was then the district judge. The Hon. John McLean was one of the justices of the supreme court of the United States, and occasionally presided in the circuit court. I remember to have met him but once; he came to Springfield "by the stage-coach," which was then the most convenient mode of travel. John McLean was an amiable man and a most excellent judge. He reported the decisions of the court over which he presided, and they are entitled McLean's Reports, and extend over a number of volumes.

While attending the sessions of the supreme court of Illinois and the district and circuit courts of the United States for the district, I became acquainted with Justin Butterfield, Giles Spring, James H. Collins, George Manierre and other lawyers from Cook county, who traveled in the stage-coaches of the period and attended the supreme and federal courts at Springfield.

Mr. Butterfield was admitted to the bar of Illinois in 1837. He came to Chicago from some point in the state of New York. His logic was exact and ponderous and his sarcasm was terrific. In his native state he was a Federalist, and he opposed the war with Great Britain in 1812. In 1845 he was consulted with regard to the policy of the war with Mexico, to which he replied: "I opposed one war, and have never got over it; I am now for war, pestilence and famine." In 1847, while the constitutional convention was in session, he said to some one: "The only thing necessary to perfect the constitution proposed by the convention is that an appeal shall lie from the decisions of the supreme court to three sensible justices of the peace." He was appointed commissioner of the general land office, a place to which Mr. Lincoln aspired. Mr. Lincoln was tendered the office of governor of Oregon territory, by way of a solatium. I met Lincoln at Jerseyville soon afterward, and said to him: "I supposed you were going to Oregon as governor." He said in reply: "Two men were playing cards, and one said to the other, 'Go to hell!' The one addressed said: 'I will go to hell when I am obliged to, and not one minute before!'" Lincoln did not go to Oregon! Giles Spring was an exceedingly bright, active and intelligent lawyer. He died in Chicago many years ago, too early for his merits to be understood. James H. Collins was a good lawyer; he was even at that early day opposed to slavery. Mr. Butterfield was arrogant, while Mr. Collins was imbued with the profoundest sympathy for humanity. They were partners. Butterfield had nothing like enthusiasm in his nature; Collins loved mankind.

In June, 1847, the constitutional convention of that year assembled, and I became acquainted with its members and studied their characteristics. Archibald Williams was a member of the convention from Adams and Highland counties. (Highland county has long since ceased to be one of the counties of the state of Illinois. It was taken from Adams county and was reannexed by the third section of the seventh article of the constitution of 1847.) He was a very able man, was a Whig, and made an efficient member of the convention. Mr. Williams was a native of the state of Kentucky. He had not then attained the distinction he afterward secured as a lawyer. He became known as profoundly skilled in the peculiar litigation of what was then known as the "Military Tract," and died, as a district judge, in Kansas.

Michael G. Dale, who was born in Pennsylvania in 1814, was a delegate to the convention, from Bond county. He was modest, and was afterward appointed to be receiver of public moneys at Edwardsville, of which place he became a resident. He held the office of county judge of Madison county from a time when the memory of man "runneth not to the contrary." He was a party to a contested election case (reported in Eighty-eighth Illinois Reports,—Dale versus Irwin) in which he was successful. He died in 1897.

General James W. Singleton was a delegate from Brown county. He afterward removed to Quincy, and was a member of congress from that district for several terms, having once defeated Mr. Archibald Williams. He ran for congress as an old-line Whig. While the canvass was progressing, Mr. Williams was asked: "What is an old-line Whig?" Mr. Williams answered: "An old-line

Whig is a gentleman who takes his toddy regularly, and votes the Democratic ticket occasionally." General Singleton died in Baltimore in 1895.

Henry E. Dummer was an excellent lawyer; his papers were neatly prepared. He represented Cass county in the convention of 1847; he died in Morgan county many years ago.

Clark county was represented in the convention by William Tutt and Justin Harlan. Judge Harlan was county judge, and afterward circuit judge. He was eccentric, and possessed a marvelous fund of common sense. He was a little profane, even on the bench. One of the suitors of his court sued another on a contract for the sale and delivery of a lot of hogs. The evidence showed that the contract was that the hogs should be delivered if they could be driven. Judge Harlan said that while he was compelled to render a judgment for the defendant, "it was d——d singular that hogs grew wild when pork rose."

From the county of Coles, one of the delegates was Thomas A. Marshall. He was a lawyer of some distinction. He was afterward elected colonel of the First Illinois Cavalry.

Jo Daviess county was represented by Thompson Campbell, W. E. Green and O. C. Pratt. A sketch of Mr. Campbell's life appears elsewhere in this work. During the session of the convention an incident occurred—to which Mr. Campbell and Mr. Pratt were parties—which afforded to members, not connected with the affair, great amusement. This incident was nothing less than a proposed duel between the two delegates from Jo Daviess county, Mr. Campbell and Mr. Pratt. It is not important which was the challenger, but it led to the stringent clause in the constitution which provides that "From and after the adoption of the constitution, every person who shall be elected or appointed to any office of profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of this state, shall, before he enters upon the duties, in addition to the oath prescribed in this constitution take the following oath: 'I do most solemnly swear (or affirm, as the case may be,) that I have not sent or accepted a challenge to fight a duel, the probable issue of which might have been the death of either party, nor have been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance since the adoption of this constitution, and I will not be so engaged or concerned directly or indirectly in or about such duel during my continuance, so help me God!'" and it led to the sarcastic remark of Colonel Servant, delegate from Randolph county: "I hope Charlie Constable will be put in jail for twenty-four hours, and kept without a looking-glass, a hair-brush, or tooth-brush!" To those who knew Judge Constable, such a wish was a cruel one. Both of these gentlemen (Mr. Campbell and Mr. Pratt) afterward went to California, and died there.

Benjamin Bond was a delegate to the convention from Clinton county. He was a lawyer. He became notorious afterward as the author of the separate article in the constitution "prohibiting free negroes from hereafter emigrating to this state and settling within the bounds of this state, and to prevent the owners of slaves in other states from bringing them into and setting them free in this

state," with such penalties annexed as would be calculated to effect the object in view. I spoke and voted against this resolution, on account of which I was, at the election which occurred in the month of August, defeated for re-election to the office of probate justice of the peace.

Hezekiah M. Wead was a delegate from Fulton county. He was born in Vermont and died in Peoria. Mr. Wead was a lawyer, and was afterward circuit judge: I refer to a sketch of his professional and judicial life furnished by his son, Hon. S. P. Wead. Albert Gallatin Caldwell, delegate to the convention from Gallatin county, was a lawyer of great promise. He died soon afterward, in Springfield, while attending a term of the court held in this city.

David Mead Woodson was a delegate to the convention from Greene county. Judge Woodson, as he was afterward known, was born near Versailles, Woodford county, Kentucky. He afterward was elected judge of the circuit court, and held that place for three terms. He was state's attorney for his judicial district in 1840, and prosecuted Aaron and William Todd. I speak elsewhere of the murder of their cousin, Larkin Scott. Judge Woodson was a gentleman of the old school, and maintained the dignity of his court under all circumstances.

Iroquois and Will counties were represented by Jesse O. Norton, who was afterward a member of congress and a circuit judge. Jefferson, Marion and Franklin counties were represented by Zadok Casey and Walter B. Scates. Judge Scates had been attorney general of the state of Illinois and a justice of the supreme court. A sketch of his life will appear elsewhere. The delegates from Knox county were Curtiss K. Harvey and James Knox.

Judge Davis, who represented McLean county, is noticed on succeeding pages. He was elected circuit judge, and discharged the duties of that office for many years. He was then appointed associate justice of the supreme court of the United States, and was afterward elected a senator in the congress of the United States. He was of doubtful politics, and consented to supersede Mr. Bayard in the presidency of the senate pro tem.

Cyrus Edwards, who represented Madison county, with Edward M. West, Benaiah Robinson, and George T. Brown, was a lawyer of great eminence. He desired more than anything else to preserve the credit of the state of Illinois, and was the author of the two-mill tax, which established the credit of the state. Thomas G. C. Davis represented Massac county in the convention. He was a native of Virginia, afterward removed to St. Louis and thence to Texas, where he died. He was a man of great capacity and of remarkable eloquence.

Hiram Rountree represented Montgomery county in the convention. We furnish elsewhere a sketch of his life. Montgomery and Bond counties and Moultrie and Shelby counties were represented by James M. Davis and Anthony Thornton, sketches of whom will be found elsewhere. Judges William Thomas and Samuel D. Lockwood, who represented Morgan county in the convention, were eminent jurists. Lincoln B. Knowlton, who represented Peoria county, and Onslow Peters, who represented Peoria and Fulton counties, were successful lawyers. William R. Archer and William A. Grimshaw, who represented

Pike county, were lawyers. Mr. Archer was afterward county judge. Alfred Kitchell, a delegate from Richland county, was circuit judge, and after the expiration of his term of office removed to Galesburg, where he died. Colonel Servant, of whom I have before spoken, was a lawyer from Randolph county.

Sangamon county was represented by John Dawson, James H. Matheny, Ninian W. Edwards and Stephen T. Logan, all of whom have since died. James H. Matheny was once clerk of the circuit court and afterward was county judge. Ninian W. Edwards had been attorney general, member of the legislature from Sangamon county and was afterward superintendent of public instruction, having been appointed by Governor Matteson. Mr. Edwards was the brother-in-law of President Lincoln, who appointed him commissary of subsistence during the late civil war. Stephen T. Logan, whose sketch will appear elsewhere, was an oracle in the law. He was remarkable for his extensive knowledge of the law, and the moderation of his charges for his services. The county court of Macoupin county (under my advice) procured his written opinion upon a constitutional question, for which service he charged ten dollars. Notwithstanding the moderation of his charges, he left an immense estate, having used his money in the entry of real estate, at one dollar and a quarter per acre.

Charles H. Constable was a delegate from Wabash county. He was afterward circuit judge, was a good lawyer and was remarkable for his personal neatness. Abner C. Harding was from Warren county; he was a lawyer of some distinction, was afterward appointed colonel of one of the Illinois infantry regiments, and won some reputation by the repulse inflicted upon Forrest at Fort Donelson.

Samuel Snowden Hayes, a delegate from White county, was the youngest man in the convention. He afterward married the daughter of Colonel E. D. Taylor, of Springfield, removed to Chicago, and was appointed city comptroller. He died in Chicago many years ago. Willis Allen, father of the present judge, W. J. Allen, represented several of the southern counties. He was state's attorney, member of congress, and circuit judge.

CHAPTER II.

THE FORMATIVE PERIOD—TERRITORIAL AND STATE.

THE territory of Illinois was organized into a county of Virginia on the 12th day of December, 1778, and John Todd was appointed lieutenant commandant of the county of Illinois, by Patrick Henry, at that time the governor of the state of Virginia.

Governor Henry's letter of instructions to the commandant contained directions relating to the defense of the county; but it is noticeable that the liberties of the people were also the subject of the care of that patriotic statesman. He said: "You are on all occasions to inculcate on the people the value of liberty, and the difference between the state of free citizens of this commonwealth and that slavery to which Illinois was destined; a free and equal representation may be expected by them in a little time, together with all the improvements in jurisprudence and police which other parts of the state enjoy."

Illinois continued to form a part of the state of Virginia, and subject to its laws, until 1784, when the "County of Illinois," being a part of the territory northwest of the river Ohio, was ceded by the state of Virginia to the United States.

The congress of the confederation adopted certain resolutions for the government of the Northwestern territory in 1784, but they were repealed by the ordinance of 1787, which laid the foundations of liberty and law for all the states of Ohio, Indiana, Illinois, Michigan and Wisconsin,—a territory whose resources were then unknown, it being inhabited by but a few white persons, who were engaged then, and for many years thereafter, in a struggle with the red men for its possession; a territory which is now the home of millions of happy and prosperous people.

The ordinance, which passed the congress, assembled under the articles of confederation, on the 13th day of July, 1787, not only provided the framework for a temporary government of the territory of the United States northwest of the river Ohio, (which has been in essentials followed by subsequent congressional legislation in the creation of territories formed from the national domain), but it secured perpetually to inhabitants of the territory their most valuable and precious rights.

The ordinance provided a rule for the descent of the property of intestate proprietors, for the making of wills and conveyances, and for the transfer of personal property by delivery, saving to the French inhabitants their own customs. It anticipated what is called the "bill of rights," the ten first amendments of the federal constitution. It secured to the present and future inhabitants of the territory freedom of worship and the benefits of the writ of habeas corpus. It gave assurance of a proportionate representation of the people in the legislature, and of judicial proceedings, according to the course of the common law. It secured to all persons accused of crime, where the proof was not evident or the

presumption great, the privilege of bail and moderate fine, and protection against cruel, or unusual punishments in case of conviction for misdemeanors or crimes, and insured to the citizen that protection for his person and property conceded by the "Great Charter."

"No man shall be deprived of his liberty, or property, but by the judgment of his peers or the law of the land, and should public exigencies make it necessary for the common preservation to take any person's property or to demand his particular service, full compensation shall be made for the same;" and then, as if in anticipation of the efforts of demagogues to pervert the public conscience, it was declared, as the sense of congress, "and in the just preservation of rights and property it is understood and declared that no law ought ever be made, or have force in the said territory that shall in any manner whatever interfere with or affect private contracts or engagements, bona-fide and without fraud, previously formed," and the ordinance further provides that "there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

These provisions were preserved in the constitutions of the states formed from the Northwestern territory, and under them the liberties of the people have found protection and security.

It has been said by an eminent statesman and jurist that "Two of the provisions of the ordinance of 1787 were sufficient for the protection of popular rights: First, that which provides for a proportionate representation of the people in the legislature; second, that of judicial proceeding according to the course of the common law." By the fifth section of the ordinance the governor and judges were clothed with qualified powers of legislation, that is to say, the governor and judges, or a majority of them, were "authorized to adopt and publish in the district such laws of the original states, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by the congress; but afterwards the legislature shall have authority to act as they see fit."

In 1798 it was ascertained that the Northwestern territory contained five thousand white male inhabitants and was therefore entitled as a matter of right to enter on the second grade of territorial government provided for in the ordinance of 1787. (Burnett's Notes, 288.) The fact was made known by the proclamation of Governor St. Clair, calling upon the people to elect representatives to meet at Cincinnati, in convention, for the purpose of nominating ten persons to be returned to the president of the United States, five of whom it was his duty to select, and, upon confirmation by the senate, commission as a legislative council.

The representatives elected assembled at Cincinnati on the 4th day of February, 1799, as required by the proclamation. They made the nomination and adjourned to meet at Cincinnati on the 16th day of September ensuing. The governor transmitted the names of the nominees to the secretary of state,

and the president, by and with the consent of the senate, appointed Jacob Burnett and four others to be the legislative council. The house of representatives consisted of twenty-two members, amongst whom it is noticeable that Shadrach Bond and John Edgar represented the counties of St. Clair and Randolph, respectively.

The governor and judges had power under the ordinance to legislate to the extent of adopting the statutes of any of the original states of the Union, and the legislature elected by the people, which assembled at Cincinnati on the 16th of September, 1799, was clothed with complete powers of legislation, subject only to the ordinance of 1787 and to the superior supervising power of congress.

Burnett says: "The statutes which had been adopted from time to time by the governor and judges formed a miserable apology for a code of statute law: many subjects of interest were not embraced in them, and most of them were in a crude and imperfect state. The most useful of them were taken from the Pennsylvania code, with the exception of one from the code of Virginia, which adopted the common law, and such of the English statutes made in aid of it prior to the '4th,' of James I, as was of a general nature, and applicable to the country.

"Although this law was important in the administration of justice, as without it the courts must have legislated in many of the cases which came before them; yet it was so general and indefinite in its terms, that questions were perpetually arising at the bar and on the bench as to which of the statutes of the English code were adopted, and whether such parts of statutes as were applicable to the state of the country might be taken, and others rejected,—as, for example, in a case in which the defense rested on a plea of usury, there being no statute of the territory on that subject, the defendant relied on the statute of 13th Elizabeth, which comes clearly within the terms of the adopting law, both as to time and subject matter; yet, as it authorized an interest of ten per cent., and the interest in the territory, established by general consent, was only six per cent., it became a question whether it did or did not justify that rate of interest, and, if not, whether the penalty of the act could be enforced in that case."

Burnett, from whom I quote, was a lawyer and he says "On many interesting subjects, particularly that relating to remedies and the mode of enforcing them, there had been no legislation. The course of the common law was relied on, which was tedious and in most cases difficult and expensive, and the more so as there was not any tribunal in the territory vested with chancery powers. The courts of common law, as far as their forms and modes of administering justice would permit, assumed those powers from necessity, by which partial relief was obtained. On the subject of the partition of real estate, assignment of dower, relief of insolvent debtors, settlement of disputes by arbitration, divorces, and alimony, equitable set-off, and the specific execution of real contracts, the territorial code was entirely silent."

In most of the cases mentioned the legislature at its first session "passed

laws providing simple and easy modes of proceeding." Laws which were made by the governor and judges, and by the general assembly of the Northwestern territory, until passage of the act of congress of May 7, 1800, which created Indiana territory, were in force in Illinois.

On the 3d day of February, 1809, congress passed an act dividing the Indiana territory into two separate governments, and the laws borrowed by the governor and judges from other states of the Union,—which had been done with such liberality that only the titles were retained,—the laws enacted by the house of representatives of the Northwestern territory, and also enactments of the representatives of the people of the territory of Illinois were, except so far as they were repealed, in full force when the territory of Illinois was created (February 3, 1809).

It must be observed that the congress of the United States, which had full authority to legislate for the people of the Illinois territory, on the 3d day of March, 1815, passed an act regulating and defining the duties of the United States judges for the territory of Illinois. The act divided the territory into three circuits, that is to say, the counties of Madison and St. Clair were to constitute the first circuit; the counties of Randolph and Johnson the second; and the counties of Gallatin and Edwards the third circuit. These were at the time all the counties of the territory, and the places of holding the circuit courts was fixed by the same law.

The judges were given by the act jurisdiction "over all causes, matters or things at common law or in chancery," arising in each of said counties, "except in cases where the debt or demand shall be under twenty dollars, in which cases they shall have no jurisdiction."

The act further provided that "the said judges shall be conservators of the peace, and the said circuit courts in term time, or the judges thereof in vacation, shall have power to award injunction writs of ne exeat, habeas corpus and all other writs and process that may be necessary to the execution of the powers with which they are, or may be, vested." It was further provided by the act that "the said circuit courts respectively shall have power to hear and determine all treasons, felonies and all other crimes or misdemeanors that may be committed within the respective counties aforesaid, and that may be brought before them respectively by any rules or regulations prescribed by law."

The effect of this act was to create a court of appeals for the territory of Illinois.

The fifteenth section of the act provides: "That the said judges, or a majority of them, shall constitute a court to be styled the court of appeals of Illinois territory, and shall hold two sessions annually, at the town of Kaskaskia, * * * which court shall have appellate jurisdiction and to which appeals shall be allowed, and from which writs of error, according to the principles of the common law and conformably to the laws and usages of the said territory, may be prosecuted for the reversal of the judgments and decrees of the said circuit court, as of any inferior courts which now are or may hereafter be established by the law of said territory."

CHAPTER III.

THE SUPREME COURT—TERRITORIAL AND SUPREME COURT JUDGES.

ON the 3d day of February, 1809, congress passed an act creating the territory of Illinois, and on the 7th day of March, in the same year, the president appointed Alexander Stuart, Obadiah Jones and Jesse Burgess Thomas to be territorial judges.

The territorial legislature, at its session in 1814, passed an act to establish a supreme court for Illinois territory, which in many material points changed the judicial system adopted by the authority of congress upon the organization of the territory.

The judges of the territory took emphatic ground against the law: they were requested by the legislature to state their objections in writing, which they did. They held among other grounds for their opposition, "That as the United States government, in pursuance of the ordinance, had established a court of general jurisdiction, and had reserved the right of appointing judges to conduct it, the territorial legislature, which is an inferior authority, had no power to change or modify it."

They said "It would have been futile in congress to establish a court, leaving the power in other hands to establish a tribunal superior to it, which would be to annul it." The judges proceeded to argue at length in opposition to the bill; and the opinion was signed by Judges Jesse B. Thomas and William Sprigg. Judge Griswold, though absent, is understood to have concurred with the other judges. The governor (Edwards) favored the act, and he was requested by the legislature to prepare an answer to the objections of the judges, which he did, and his answer was spread at large upon the legislative journals.

The reasoning of the judges seems to be solid and conclusive. "In view of the whole matter the legislature adopted resolutions for transmitting the contemplated act, together with the letter of the judges, and answer thereto of Governor Edwards, to congress, accompanied by an address "requesting the passage of a law declaring the aforesaid enactment valid, or pass some law more explanatory of the relative duties and powers of the judges aforesaid and of this legislature, in order to remove any future or existing difficulties that may arise between the judges and the legislature."

Congress accordingly, on the 3d of March, 1815, passed "An act regulating and defining the duties of the United States judges for the territory of Illinois," of which we have heretofore spoken.

The territorial judges were appointed by the president, and confirmed by the senate. On the occasion referred to they exhibited commendable firmness, and their arguments were unanswerable; still but little is known of the terri-

torial judges, unless Jesse Burgess Thomas, one of their number, is an exception,

Governor Reynolds says, speaking of Judge Stuart (*Pioneer History*, 365): "Stuart soon resigned, and Stanley Griswold was appointed. Judge Stuart remained on the bench but for a short time in Illinois and was appointed judge, of the territory of Missouri" (*Pioneer History*, 371). He says of Stanley Griswold, the successor of Judge Stuart, "He was a correct, honest man, a good lawyer, paid his debts and sung David's psalms. He was transferred to Michigan territory, and in his place Thomas Towles was appointed, who presided on the east of the territory" (*Pioneer History*, 402). There are in the annals of Illinois territory no account of Obadiah Jones, one of the judges appointed by the president on the 7th day of March, 1809; it is doubtful if he accepted the place, or performed any of its duties, and Stanley Griswold, his successor, was commissioned March 16, 1810.

Jesse Burgess Thomas has a history. He was born in Hagerstown, Maryland, in the year 1777, and was reputed to be a lineal descendant of Lord Baltimore. He removed with his parents to Kentucky in 1779, and after having received something more than a common-school education studied law with his brother, Richard S. Thomas, in Bracken county, Kentucky. On the organization of Dearborn county, Indiana territory, March 7, 1803, he removed to Lawrenceburg, and commenced the practice of law.

On January 3, 1805, he was elected to represent that county in the legislature, which convened in Vincennes, February 1, 1805, to choose members of the legislative council, and on the proclamation of the governor, William H. Harrison, the legislature assembled on the 29th of July, 1805, and at this its first session he was elected speaker of the house of representatives. He presided as speaker of the first and second sessions, at Vincennes, from September 26, 1805, to October 24, 1808, when he was elected by the assembly as delegate to the tenth congress, to succeed Benjamin Park, resigned. He served as delegate from December 8, 1808, to March 3, 1809. He was appointed and commissioned August 24, 1805, by Governor Harrison, a captain of militia of Dearborn county.

Within his legislative term he married the widow of Major John Francis Hamtramck, and then moved to Vincennes, where he resided a short time. On the organization of Illinois territory, March 7, 1809, President Madison appointed him one of the territorial judges. He then moved to Kaskaskia, thence to Cahokia and later to Edwardsville.

In July, 1818, he was elected a delegate from St. Clair county to the constitutional convention, and was elected president of the convention that formed the constitution of Illinois. He was elected by the first general assembly of Illinois one of its first two United States senators, serving from December 4, 1818, to March 3, 1828. As senator he proposed the Missouri Compromise and was chairman of the committee of conference on that measure, and it, as adopted, was his work. This he regarded as the most important act of his life.

In 1829 he removed to Mount Vernon, Ohio, where he assisted at the organization of St. Paul's Episcopal church, of which he was a consistent

member. He owned a large property in Mount Vernon and was one of the town proprietors of Brookville, Indiana.

In stature he was full six feet, with florid, brown complexion, dark hazel eyes, dark brown (nearly black) hair. With a well developed muscular system, he weighed over two hundred pounds, was very particular in his personal appearance, and had the mode (manners) of a refined gentleman of the last century. He died, childless, at Mount Vernon, Ohio, leaving a large estate, May 4, 1853, aged seventy-five years. We have followed the sketch of Judge Thomas, contributed to the Pioneer History by Samuel Morrison, of Indianapolis, Indiana, in 1884. But Governor Reynolds' Pioneer History (page 401) says of Judge Thomas that "He was a man of talents, but did not particularly employ his mind on the dry subtleties of the law. He was born a politician, and never ceased the avocation until death closed the scene with him a few years since in the state of Ohio. In 1818 he was elected a member, from St. Clair county, of the convention that formed the state constitution; was elected the president of that body, and gave general satisfaction in the performance of his duty. He was also elected to the United States senate, the same year, made a good business member, was a great friend of Crawford for the presidency, and did much in the compromise of the Missouri question. He was a gentleman of fine appearance and address."

Governor Reynolds quotes a significant saying of Judge Thomas, on which he acted "considerably," and which proves that he was born a politician, "that you could not talk a man down but you could whisper him to death." It is added, "on the bench or in the senate he possessed a dignified and respectful bearing."

Judge John M. Scott (Illinois History, page 270) says of Judge Thomas: "The services rendered by him in the senate of the United States not only affected the welfare of the state of Illinois, but in a degree the nation at large. One measure with which his name is connected has become famous in the history of this country. It is said that he was the author of that measure known as the Missouri Compromise of 1820. In that way he connected his name with an act predestined from the beginning to be one of the most momentous events in American history."

Governor Reynolds properly understood the character of Judge Thomas, I have no doubt. He was a politician and his successes were in the field of politics.

"William Sprigg possessed a strong, discriminating mind, and made an excellent judge, was a fine classical scholar, and a well read and profound lawyer. He was born in Maryland and was of excellent family. His brother was the governor of Maryland, and other relatives occupied important stations in that state. He had an utter contempt for street politics. A purer heart, or one with more integrity, never found its way to the bench. He was a spectator in the campaign of 1812, under Governor Edwards, to Peoria lake, as he had no gun or other weapon that denoted belligerency. His pacific and sickly appearance, together with his perfect philosophic indifference as to war or

peace, life or death, made him the subject of much discussion among the troops." (Pioneer History, page 402.)

We have related all that is known to the public concerning the territorial judges. After the passage of the act of March 3, 1815, which took effect from and after the 1st day of April next, the judges were required to perform circuit duties, and they, or a majority of them, were constituted a court, to be styled the court of appeals for Illinois territory. The records of the court of appeals have not been examined, but it is understood that in no case heard by the judges was a written opinion filed. The constitution of 1818 made the judges of the supreme court elective by the joint ballot of the two houses of the legislature and the constitution required that "the supreme court shall be holden at the seat of government, and shall have an appellate jurisdiction only, except in cases relating to the revenue, in cases of mandamus, and in such cases of impeachment as may be required to be tried before it." It was made to consist of a chief justice, and three associates "any two of whom shall form a quorum. The number of justices, may, however, be increased by the general assembly after the year 1824."

"The judges were directed to be commissioned by the governor and to hold their offices during good behavior until the end of the first session of the general assembly, which shall be begun and held after the 1st day of January in the year of our Lord 1824, at which time their commissions shall expire. * * * But ever after the aforesaid period the justices of the supreme court shall be commissioned during good behavior, and the justices thereof shall not hold circuit courts unless required by law."

The first session of the general assembly of the state of Illinois met on the 5th day (first Monday) of October, 1818, in Kaskaskia, in pursuance of the constitution, and on the 8th of that month proceeded to choose a chief justice and three associate justices.

The legislature had but little difficulty in selecting a chief justice, for on the first ballot Joseph Philips received thirty-four of the forty ballots cast; for associate justices William P. Foster and Thomas C. Browne were chosen, and finally John Reynolds was elected, having received twenty-two votes of the whole number (forty) cast.

All writers agree that Chief Justice Joseph Philips was an admirable selection. As one writer says: "He was a lawyer of fine intellectual endowments." He held the office but a short time, as he resigned his place upon becoming a candidate for governor, in 1822. His resignation bears date July 4, 1822, and Thomas Reynolds became chief justice on the 31st of August, 1822. Breese reports but fifteen cases, which fill only fourteen pages of his reports, decided by the supreme court while Chief Justice Philips was on the bench, so there are but scant materials for determining his merits as a judge.

Thomas Reynolds, his successor, was born in Bracken county, Kentucky, March 12, 1796, and was admitted to the bar about the time he reached his majority. He came to Illinois while it was a territory, and filled the office of clerk and speaker of the house of representatives. He was appointed chief

justice of the supreme court of Illinois on the 31st of August, 1822. He removed to Missouri in 1829, locating himself at Fayette, Howard county, in that state.

He was elected a member of the house of representatives of the state legislature from Howard county, and was chosen to be speaker of that body. He filled the office of circuit judge for a short time, and was afterward, in 1840, elected to be governor of Missouri, and died while in office, February 9, 1844. He was a profound lawyer, and as an orator was forcible and captivating, both in the legislature and in the courts. At the time of his death he was a candidate for a seat in the United States senate, with almost a certainty of being elected.

Breese reports a number of the opinions of the supreme court delivered by Chief Justice Reynolds, which exhibit much more finish than those reported before "he came to the bench."

Thomas C. Browne was elected one of the associate justices of the supreme court, and his commission is dated October 9, 1818. He was re-elected one of the associate justices at the reorganization of the supreme court in 1825; was again commissioned on the 19th day of January, 1825, and held his office until after the adoption of the constitution of 1848.

There is much difference of opinion in the legal profession as to the judicial merits of Judge Thomas C. Browne. He was born in Kentucky, came to Illinois territory in 1812, and settled himself in Shawneetown; he had studied law in Kentucky and at once commenced the practice of his profession. Judge Scott says (*Illinois History*, page 77) in speaking of him: "All lawyers at that early day seem to have had quite as much, if not more, fondness for politics than the law: Judge Browne was no exception to that general rule. Within two years after his coming to Illinois territory he entered upon the work of office-seeking, and office-getting,—a work in which he was quite successful. He did not practice his profession for any great length of time. Office-seeking seems to have been a mania of that period, and became a mad passion with all professional men,—lawyers, doctors, and even ministers, became attracted within the maelstrom of politics. * * * In 1814, Judge Browne was elected a member of the house of the territorial legislature, as a representative from Gallatin county. In 1816 he was a member of the legislative council of the territorial legislature. * * * He was appointed attorney for the district in which Gallatin is situated, in 1816, and probably continued in that office, whatever it was, until the state government was organized.

"On the organization of the state government, in 1818, he was, on joint ballot of both houses of the legislature, chosen one of the associate justices of the supreme court of the new state, shortly to be admitted into the Union. He was re-elected in the same way and commissioned a member of the same court on the 19th of January, 1825, and thereafter held the office until the first Monday of December, 1848, when the old constitution was superseded by the new. He then retired to private life, and nothing more was heard of him. Later, there was a brief announcement of his death. That was the end of one whose life had been a benediction to the state."

Judge Scott's observations are true, but in making them he overlooked

the fact that before the introduction of railroads, telegraphs, telephones, and the "daily newspaper," which collects the history of events in all parts of the civilized world and, by means of the railroads, is delivered on the day of its publication at nearly every postoffice in the state,—the lawyers were the instructors of the people on every political topic.

The terms of the courts usually lasted three or four days and rarely more than a week. On the Monday beginning the term, at noon or in the evening after court adjourned, some recognized member of the bar would "make a speech," defending his own party or assailing the other party. If the first "speech" was made at noon or at night, some lawyer would answer the first speaker at night or at noon, and so the party orators would alternate to the end of the term of the court.

Under such circumstances, it was natural that lawyers should be politicians and office-seekers,—most of them were so, and for their reputation at the bar some of them were more indebted to their political dexterity than to their knowledge of the law. Without capacity for "stump oratory" the lawyer of early times rarely succeeded in winning reputation.

Following Judge Scott (*Illinois History*, page 79): "Writers concerning the period in which Judge Browne lived speak very favorably of him as a man of the highest personal integrity and as a worthy judge for the time in which he served in that capacity. On the circuit he was a most valuable judge and administered the law as he understood it, with the strictest impartiality to all alike that had business in the court where he presided. In that respect his character is without the slightest smirch or reproach." Governor Reynolds, who knew him well, says: "Honor, integrity and fidelity are prominent traits in his character." It was never claimed for Judge Browne that he was a man of any very great literary attainments, or that he was a profound lawyer, still, following Judge Scott, "but it is due to his memory to say, as the truth is, he was a good judge on account of his integrity of character and his valuable practical sense in all matters of business."

An attempt was made, in 1843, to impeach Judge Browne "for want of capacity to discharge the duties of his office of judge of the supreme court." It is to be regretted that, though Judge Browne was continuously one of the associate justices of the supreme court from 1819 until 1848, he delivered no opinion upon any important subject and did no act worthy of being remembered,—unlike Lockwood and Smith and some others of his associates. Though a member of the council of revision, he did nothing for the reform of the law or the improvement of the statutes.

Justice John Reynolds was appointed one of the associate justices and was commissioned on the 9th of October, 1818. Judge Reynolds, who was better known to the public of his day as Governor Reynolds, or the "Old Ranger," has written the story of his "Own Times." He was born in Montgomery county, Pennsylvania, on the 26th of February, 1788. When he was about six months old his parents removed to Tennessee and settled near Knoxville, in that state, and, according to the governor's account: "We left Tennessee in February,

1800, with eight horses and two wagons, for New Spain. Our company consisted of my parents, six children,—I, the oldest,—three hired men and a colored woman." In "My Own Times" he describes the journey of the family from Tennessee to Kaskaskia, and gives the reason why his father did not settle under the jurisdiction of the Spanish government.

Judge Reynolds was liberally though not classically educated, and says ("My Own Times," page 91): "In the fall of 1812 I was examined, at Kaskaskia, before Judges Thomas and Sprigg, two of the United States judges for the territory, and admitted to practice law. I attended a county court this fall, which was held in an old house of Thomas Kirkpatrick, near the high bank of Cahokia creek, embraced in the present Edwardsville; but I had no business in court, and, being so diffident and so much out of gear for the practice of law, I was truly glad that I had nothing to do."

The writer is reminded by this story told by Governor Reynolds of an incident which he copies from "Recollections of an Earnest Life," a book which he hopes to publish at an early day.

He lived at Carlinville, and like Governor Reynolds attended his first court at Edwardsville: "It is thirty-five miles from Carlinville to Edwardsville, and I walked the first day from Carlinville to the home of my father, who lived near the road, eight miles from Edwardsville. I spent a day at father's, and the following morning went into Edwardsville, stopped at a public house kept by a man named Wilson, with whom I had a friendly acquaintance; I explained to Mr. Wilson that I had no money to pay bills, when, without waiting to hear more, he told me—with a rough generosity I can never forget—that I could stay with him as long as I pleased, pay him when I could, and if I never could 'it didn't make a d—d bit of difference!' It can well be imagined that after this reception I felt at home.

"I had known Judge Breese when I was a boy, and the first law speech I ever heard was made by him. He met, and remembered me kindly, and soon after assigned me to the defense of a poor fellow who was indicted for larceny. I have often repeated the incidents of this trial and the conduct of Judge Breese toward me, to illustrate the wisdom of judges who treat young members of the bar with kindness.

"Any lawyer may easily guess the character of the defense I made for this, my first client. I had never before appeared in the circuit court; my client was unquestionably guilty, and the jury so found after very brief hesitation. After the jury had found him guilty, I remembered that according to 'the books,' after a verdict against a client it was the duty of a lawyer to make a motion for a new trial, and if that motion failed to then move in arrest of judgment. Accordingly I made a motion for a new trial for the usual formal reasons: I know I attempted to argue the motion, and although at the time I was so embarrassed by the surroundings that I then scarcely understood what I said, I was satisfied soon afterward, when I heard the judge, that I had made a most learned and forcible argument.

"When I concluded my speech, whatever it was, I was confused enough,



GUSTAVUS KOERNER.
JAMES SEMPLE.

SAMUEL D. LOCKWOOD.

SIDNEY BREEZE.
JAMES SHIELDS.

but when Mr. Kitchell, the then attorney-general, finished his caustic and almost contemptuous reply, I was overwhelmed with confusion. The judge however rescued me; he noticed in succession the reasons I had assigned in writing for a new trial, and said that 'the learned counsel had supported these reasons with great force of argument.' He stated what he said were the arguments I had used, confessed he was impressed with their force, and then proceeded to answer them with great deliberation, and concluded by saying that 'the defendant had been ably defended by learned counsel, and tried by an intelligent and impartial jury, and that he therefore felt constrained to overrule the motion for a new trial, and render a judgment on the verdict.'

"I did not make a motion in arrest of judgment, but I will confess that for a while after the judge concluded I believed I had really used the arguments that he attributed to me and then repeated, and answered, and though I afterward realized that both the arguments and the answers to them were the work of the judge, he made an impression upon me that still remains, and secured for himself my best personal services as long as he had occasion for them; and he left upon my mind an impression which I still retain,—that Sidney Breese was in all respects an ideal judge, and, in view of his inaptness as a politician, I have been inclined to repeat what Dryden says of Shaftesbury:

In Israel's courts ne'er sat an Abeth-din
With more discerning eyes or hands more clean—
Unbribed, unsought, the wretched to redress,
Swift of dispatch, and easy of access!
O, had he been content to serve the crown
With virtues only proper to the gown;
Or had the rankness of the soil been freed
From cockle that oppressed the noble seed,—
David, for him, his tuneful harp had strung
And Heaven had wanted one immortal song."

The judge was for some reasons a failure as a politician, but his pre-eminence as a judge has never been disputed.

Governor Reynolds describes the condition of the country from the time of his father's migration to Illinois territory, and says ("My Own Times," page 95): "Many of my comrades at the organization of the army were appointed to small offices, but diffidence and a savage independence never permitted me to approach officers' tents or solicit anyone for an office. I declined becoming acquainted with any of the higher officers."

In the estimation of his cotemporaries the afterward judge of the supreme court, governor and member of congress got bravely over his "diffidence," for there never existed in the state a more inveterate office-seeker than he was. Governor Reynolds, in his "My Own Times," page 135, gives the following account of his election as one of the associate justices of the supreme court: "At the time of the session of the first legislature I resided in Cahokia, and had not the least intention of visiting the legislature at all. I cared very little who was elected to any office; one thing was, I coveted nothing for myself. My friends

urged me to visit with them the general assembly in session at Kaskaskia, and I did so. When we reached the legislature there was great excitement in relation to the election of officers by the general assembly. I had been in Kaskaskia only a few days when it was urged on me to know if I would accept a judgeship if I was elected. This broke on me like a clap of thunder! I was in truth persuaded to become a candidate for the office. I had a great many personal friends, both in and out of the legislature, who urged me much to consent to offer. The material for the bench was not as good as it might be."

It is probable, that Governor Reynolds believed at the time that he was forced by his "friends" to become a candidate for the office of associate justice of the supreme court of Illinois, but his "diffidence" was easily overcome. He became a candidate, and was elected, as before stated, by a vote of twenty-two to eighteen.

Judge Reynolds was not re-elected in 1825. The judiciary of the state was reorganized by that legislature, as was required by the constitution. "Although candidates before the general assembly for re-election to the same positions they had held, Chief Justice Thomas Reynolds and Associate Justice John Reynolds were defeated; it was a sore disappointment to them."

Of Chief Justice Reynolds persons who knew him all bear the same testimony. He was a very able and learned lawyer and made a good judge. Many modern writers speak of him as a younger brother, and others as nephew of Judge John Reynolds, but neither statement is correct. The fact is, Chief Justice Reynolds was in no way related to Justice John Reynolds.

In 1829, some years after his defeat, Chief Justice Thomas Reynolds went to Missouri, and perhaps remained there until his death. In the sketch of Chief Justice Thomas Reynolds we have given an account of his subsequent career in Missouri. Judge Scott says (*Illinois History*, page 141): "A summary of Judge John Reynolds' judicial career is: While he was not a great judge, he was a good judge; not learned in the law as written in the books, yet he was a fair lawyer; undignified in his presiding on the bench, and always saying foolish things, yet his purpose—an honest one—was to mete out equal and impartial justice to all persons—without distinction as to station in life; whether high or low, white or black, bond or free—litigating in the courts held by him. That was the crowning excellence in his judicial character."

Still following Judge Scott (*Illinois History*, page 142): "After Judge Reynolds left the bench, early in 1825, he pretended to enter upon the practice of law. He attended courts in his own and adjoining counties, with very great regularity. In some of the counties he picked up a few cases, but none of considerable importance. His ambition was now turned into another channel.—his purpose was to enter upon a political life, one for which, it will be seen later, he was eminently fitted. I have no doubt that it was for that reason he attended the courts,—more to become acquainted with the people, that he might in that way advance his political ambition, rather than in any hope or even desire to obtain law business. * * * Of his practice in later life he says: 'I practiced law in some peculiar cases, for my amusement and recreation.'

These peculiar cases were cases that no one else wanted or would have,—mostly they were for old friends who had really no cause of action, but wanted a 'law-suit,' and he was willing to oblige them." Judge Scott says further, of Judge Reynolds (Illinois History, page 150): "The judge's later practice brought him neither money nor reputation. It would have been better for his legal reputation had he never undertaken to resume the practice of the law. It made known his unfitness for the profession, either on account of a want of natural ability for forensic wrangling or the necessary legal learning," and Judge Scott adds: "But, after all, traveling with the courts was not unprofitable to Judge Reynolds. It was the beginning of a successful political life, and one that was crowned with many splendid triumphs: It was the school in which he was educated for his later life work."

Judge Reynolds was, after his retirement from the bench, elected to the house of representatives of the general assembly. Governor Reynolds ("My Own Times," page 184), says: "I decided, in the legislature of 1828-9, that I would present myself for something higher than an office in the general assembly, or quit public employment altogether," and at the August election in 1830 he was elected governor of Illinois, defeating Rev. William Kinney, who was a candidate for the same office.

He was afterwards elected a member of the house of representatives in congress, and was, after the end of his two or three terms in congress, elected to the house of representatives of the general assembly of the state, and was chosen speaker of the house.

One characteristic anecdote is told of the governor, while speaker. The house was proceeding under the "previous question" on some measure, and there was a dispute as to the right of members to the floor. A member arose, and said, "Mr. Speaker, am I entitled to the floor?" the speaker answered: "Yes, but you can't say a d—d word."

The writer first saw Governor Reynolds in 1832. The criminal code in force at that time provided whipping as a punishment for larceny; the maximum number of stripes to be inflicted was one hundred. A person named D—— P—— was convicted of larceny by the circuit court of Madison county, and was sentenced to be whipped thirty-nine lashes. I witnessed the punishment, and the governor did also, and said he "had come over to see the whipping." He stood by, and witnessed the whipping, and after thirty-eight lashes had been administered said, "I forgive him one; that's enough." I have been told that the person I have alluded to was the last one "whipped for stealing" in the state.

In 1827, by an act of the legislature, commissioners were appointed to construct a penitentiary at Alton, and in 1833, the penitentiary being ready for the reception of convicts, a criminal code was adopted, subjecting persons convicted of larceny committed after the 1st of July, 1833, to confinement in the penitentiary for not less than one year, nor more than ten.

Governor Reynolds was suspected in the last years of his life of favoring the southern Confederacy. It is reported that among the papers of Jefferson

Davis was found a letter from him, advising armed resistance to the authority of the United States. During his whole life he was intensely pro-slavery in his opinions. He died May 8, 1865.

William P. Foster also was elected one of the associate justices of the supreme court by the legislature. His commission bears date October 9, 1818. Ford says (*History of Illinois*, page 29): "Foster, who was elected one of the judges, was almost a total stranger in the country. He was a great rascal, but no one knew it then, he having been a citizen of the state only for about three weeks before he was elected. He was no lawyer, never having either studied or practiced law." He resigned within a year, "but took care to pocket his salary."

The late John Moses, in speaking of Foster, says (*Illinois—Historical and Statistical*, page 293): "The career of Foster affords a striking illustration of the possible success of a polished but unscrupulous adventurer, in a new country. An entire stranger in the territory, a lawyer by neither profession nor practice, in a few weeks, through his plausible address and skillful manipulation of credulous members, he succeeded in capturing one of the highest judicial offices in the gift of the legislature. He never took his seat upon the bench, and after drawing a year's salary for services not rendered, he left the state. His subsequent career was that of an accomplished swindler who traveled from city to city, numbering his victims by the score."

The successor of Foster on the supreme bench was William Wilson, who will have a place in the next chapter, which will be devoted to the courts as reorganized in 1825.

CHAPTER IV.

THE SUPREME COURT—1825—NOTABLE CASES.

THE term of office for the chief justice and associate justices of the supreme court, as fixed by the constitution of 1818, was limited "until the end of the first session of the general assembly which shall be begun and held after the 1st day of January, 1824."

At that session the following named judges were elected, the tenure of whose office is "during good behavior," and whose commissions bear date "January 19, 1825": William Wilson, chief justice; Thomas C. Browne, Samuel D. Lockwood and Theophilus W. Smith, associate justices.

We have before mentioned Thomas C. Browne, who was re-elected one of the associate justices, but have not described William Wilson, who was appointed to succeed William P. Foster (of whom something has been said), resigned. Judge Wilson was elected chief justice of the supreme court when less than twenty-nine years of age, and held that office until December 4, 1848. Both Chief Justice Thomas Reynolds and Associate Justice John Reynolds were candidates for re-election to the positions they had before held, but were defeated, much to their disappointment. On the first ballot Judge Wilson received thirty-five votes in the joint session, and Chief Justice Thomas Reynolds nineteen votes. Undoubtedly the defeat of Chief Justice Thomas Reynolds was the result of his support of "the convention." He was a good lawyer, and his subsequent history is detailed in a former chapter.

"William Wilson, at the time of his elevation to the high and honorable position of chief justice of Illinois, was but twenty-nine years old, and had been already on the supreme bench as associate justice. He was born in Loudon county, Virginia, in 1795. When quite young his father died, leaving his widow with two sons and an embarrassed estate. At an early age his mother obtained for him a situation in a store, but the young man discovered no aptitude for the business of merchandising, and, young as he was, developed an unusual greed for books, reading every one attainable, to the almost total neglect of his duties in the store. At the age of eighteen he was placed in a law office, under the tuition of the Hon. John Cook, who ranked high as a lawyer at the bar of Virginia and who also served his country with honor and distinction abroad, as minister to the court of France.

"In 1817 young Wilson came to Illinois to look for a home, and such was his personal bearing and prepossessing appearance that one year later, at the inauguration of the state government, his name was brought before the legislature for associate supreme judge, and he came within six votes of an election. Within a year, as we have seen, he was chosen in the place of Foster.

"For five years he served the people so acceptably upon the bench as to be at this time chosen to the first position by a large majority over the former chief justice, Reynolds. This was the more a mark of approbation in view of the fact that Judge Wilson was totally devoid of, and never in his life could wield, any of the arts of the politician or party schemer; as regards political intrigue he was as innocent as a child. He was singularly pure in all of his convictions of duty, and in his long public career of nearly thirty years as a supreme judge of Illinois he commanded the full respect, confidence and esteem of the people by reason of the probity of his official acts, and his uprightness as a citizen and a man.

"His education was such as he had acquired by diligent reading and self-culture. As a writer his diction was pure, clear and elegant, as may be seen by reference to his published opinions in the supreme court. * * * His official career was terminated with the going into effect of the new constitution, December 4, 1848, when he retired to private life. He died at his home in the ripeness of age and the consciousness of a life well spent, April 29, 1857." We have followed Davidson and Stuve, the latter being a relative of Judge Wilson (*History of Illinois*, pages 329-330).

Judge Scott speaks quite as kindly and respectfully of Chief Justice Wilson (*Illinois History*, page 39): "He was a judge, and nothing else: in no sense was he a politician. During his incumbency of his high office of chief justice he seems to have discharged his duties with such faithfulness and ability as to secure public approval. It is evident he must have been a man of learning and ability, and of the highest personal character, otherwise he could not have had and retained through his entire term of service as chief justice the confidence of his associates."

Chief Justice Wilson was held in high regard by his cotemporaries, and even now his opinions are admired for their clearness and precision of expression. His opinions are to be found in *Illinois Reports*.

We have noticed whatever is remembered of the life and services of Associate Justice Thomas C. Browne, and we now turn to a much more agreeable subject.

Samuel Drake Lockwood, one of the associate justices of the supreme court of Illinois, was born in Poundridge, Westchester county, New York, on the 2d day of August, 1789, and was the son of Joseph Lockwood and Mary Drake, who were married October 9, 1788. He spent a few months at a private school in New Jersey, where he acquired some knowledge of arithmetic and a little of Latin. In August, 1803, he entered the office of his mother's brother, Francis Drake, a lawyer of Waterford, New York, and remained there until February, 1811, when he was admitted to the bar and opened an office in Batavia, New York. In January, 1812, he removed to Sempronius, where he was appointed justice of the peace and master in chancery, and in November, 1813, again removed to Auburn, New York, where he was in May, 1815.

After providing himself with letters from E. T. Throop, then a member of congress, and afterward governor of New York, and others, addressed to General

William H. Harrison and Colonel Benjamin Stevenson, then in Illinois, he came to Illinois by way of Shawneetown, reaching Kaskaskia on the 26th day of December, 1818. He remained in Kaskaskia about one year and then removed to Carmi, in White county. In January, 1821, he visited Vandalia, which in the meantime had become the seat of the state government, and was elected attorney general by the legislature, being commissioned on the 6th day of February, 1821.

He resigned the office of attorney general on the 22d day of December, 1822, and by Governor Coles was appointed secretary of state. Later, in 1823, he was appointed "Receiver of Public Money" in the land-office at Edwardsville, and on the 19th day of January, 1825, he received his commission as associate justice of the supreme court, having been previously elected to that office by the legislature in joint session.

Judge Lockwood held the position of associate justice of the supreme court from the 19th day of January, 1825, until the 4th day of December, 1848, having in the meantime represented Morgan county in the constitutional convention of 1847.

The legislature of Illinois, at the session of 1824-5, instructed the justices of the supreme court to prepare a revision of the state laws, to be reported to the next session of the general assembly. The statutes at that time were not quite as much confused as Governor Ford represents them to have been. He says, speaking of the code of laws: "It was so crude and contradictory that no one could tell what it did, or did not mean, but all agreed that a revision of the statutes was a necessity." The judges undertook the work, and most of the labor was done by Judge Lockwood. Lockwood prepared the criminal code, and, though whipping and other cruel punishments were retained, it is apt in its definitions of crimes and misdemeanors, and is still in a large measure the law of the state.

It is a model of clearness and precision, and fully justifies all that is claimed for it. Judge Craig said, in his oration on the occasion of laying the cornerstone of the court-house of Knox county: "Our criminal code, with but few amendments, has been in existence since the revision of our laws in 1827. It was drafted, as I have been informed, by Judge Lockwood, one of the ablest judges our state has ever produced. We had a constitutional convention in 1847, and again in 1870, to form an organic law for the state; each of these bodies prepared a constitution which was adopted by the people. Again since 1870 the legislature has revised our statutes, but while the statutes on various subjects were changed the criminal code was found to need but few amendments, and hence was left substantially as originally prepared."

The alteration in the criminal code prepared by Judge Lockwood has relation to the methods of punishment rather than to the definitions of crime, which are still retained in the subsequent revisions of the statutes.

Theophilus W. Smith, the third of the associate justices elected at the session of the legislature 1824-5, was born in the city of New York on the 28th day of September, 1784, and came to Illinois in 1816. His name appears on

the rolls of the attorneys in 1817. Judge Smith was a man of talent, a good lawyer, and exceedingly ambitious of political preferment. He was arbitrary and exacting; he was impeached in 1833 and escaped conviction by a very narrow margin.

Governor Ford says of him, (*History of Illinois*, page 220): "Judge Smith (I regret to say it of a man who is no more) was an active, bustling, ambitious and turbulent member of the Democratic party. He had for a long time aimed to be elected to the United States senate; his devices and intrigue to this end had been innumerable. In fact he never lacked a plot to advance himself or to blow up others. He was a laborious and ingenious schemer in politics."

The impeachment of Judge Smith commenced on the 9th day of January and continued from day to day until February 7, 1833. Perhaps nothing is more significant of the character of the accused than the fact, stated by Davidson and Stuve, (*History of Illinois*, page 368) that "Pending the trial, the defendant after each adjournment had the desks of senators carefully searched for scraps of paper containing scribblings concerning their status upon the respective charges. Being thus advised, the counsel enjoyed peculiar advantages in the management of the defense."

A proposition was then made to remove the Judge by an address to the governor. It passed the house, but failed in the senate, the constitution requiring two-thirds of each house. The fifth article charged him with arbitrarily suspending John S. Greathouse, a lawyer, from practice, for advising his client to take a change of venue to a county where his Honor did not preside, and the sixth article was for tyrannically commanding to jail, in Montgomery county, a Quaker who entertained conscientious scruples about removing his hat "in court."

He resigned his seat December 26, 1842, and died May 6, 1846. Judge Theophilus W. Smith lived a turbulent life; he resided for many years in Edwardsville. Judge Smith was succeeded by Judge Richard M. Young.

Having given sketches of the chief justice and the associate justices of the supreme court as reorganized in 1824-5, it but remains that we tell what that court did to reform and give construction to the obscure statutes in force during the existence of the court.

The chief and associate justices, William Wilson, Thomas C. Browne, Samuel D. Lockwood, and Theophilus W. Smith, held the June term, 1825. But five cases were decided at that time, and none were of importance. Justice Smith delivered the opinion of the court in three of the cases, and Justice Lockwood in two. At the December term, 1825, the first case decided was that of Joseph Cornelius versus Robert Wash; appeal from St. Clair. This case is of no other interest to the legal profession, than that it decides where an attorney at law is employed under a contract like this:

"Belleville, Nov. 19, 1819.

"Whereas, I have employed R. Wash in the suit instituted by George, a black man, against Robert Whiteside and F. Bradshaw, for the recovery of his freedom, I hereby oblige myself to pay to said R. Wash or order the further sum of fifty dollars.

"As witness my hand and seal

"JOSEPH CORNELIUS. [Seal.]"

"He cannot delegate the duty of representing his client to another. The court held that the contract was intended to secure the personal services of the lawyer." (Breese's Reports, 63.)

The second case decided at the December term of the supreme court was that of *The People*, on the relation of William L. D. Ewing, against George Forquer, secretary of state, which is reported in Breese's Reports, 68.

The facts in this case involve one of the most important questions which can arise under a constitutional government. Edward Coles and Adolphus F. Hubbard were severally elected to the office of governor and lieutenant governor at the state election of 1822. The constitution of 1818, which was still in force, provided that "the executive power of this state shall be vested in a governor." The constitution then provided for the election of a governor. It further provides for the election of a lieutenant governor, and the eighteenth section, third article, of the constitution provides that "In case of an impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant governor shall exercise all the powers and authority appertaining to the office of governor, until the time pointed out by the constitution for the election of a governor to fill such vacancy."

Governor Coles, on the 22d day of June, 1825, addressed a note to Lieutenant Governor Hubbard, in which he said: "You will recollect that I made known to you last winter, and again repeated the subject when I saw you in May, that I should have occasion to go to the eastward about the middle of July; the object of this letter is to notify you that after the 18th of July I shall be absent, and that the duties of the executive will devolve, in pursuance of the constitution, on you, as the lieutenant governor of the state, during my absence, which I expect will not be longer than about three months." Upon the notice, and the actual absence of the governor from the state, Lieutenant Governor Hubbard entered upon the discharge of the duties of the office of governor.

Lieutenant Governor Hubbard, on the 2d day of November, 1825, claiming that he continued to be the governor, notwithstanding the return of Governor Coles into the state, appointed and commissioned the relator, Ewing, as paymaster general, which commission was presented to the secretary of state, with a request that he countersign it, and affix the seal of the state to the commission, which he refused to do.

The secretary of state showed for cause why the writ of mandamus should not issue: "First.—Because Edward Coles was, on the day of presenting the commission to the secretary, and had been from the 3d day of October, 1825, and has ever since remained, in the administration of the office of governor of the state of Illinois. Second.—That it does not appear from the records of his office, that said office of paymaster has ever been filled by any previous appointment."

Justice Lockwood delivered the opinions of the court. The judge said: "It was contended on the argument that Governor Coles by absenting himself from this state had abdicated and forfeited the office of governor, and could not, on his return into the state, resume its functions.

"But before the court can enter into this question it will be necessary for

them to enquire: First—Whether the relator has a right to have the commission countersigned and sealed? and, second—If he has such a right, do the laws of this state afford him the relief that he asks? It appears from the answer filed by the secretary of state, that the office of paymaster general had never been filled.

"The court concludes that the lieutenant governor, admitting him to be fully clothed with all the functions of governor, had not the constitutional power to fill the vacancy in the office of paymaster general."

In answer to the contention that it was the duty of the secretary of state to countersign and to affix the seal to all commissions issued by the governor, the court said: "By Section 4 of the act defining the duties of the secretary of state it is enacted 'That all commissions required by law to be issued by the governor shall be countersigned by the secretary of state.' In this section are to be found the duties of the secretary. Had the legislature intended to require the secretary to countersign every commission that the governor should present to him, whether authorized by the law or the constitution, its phraseology would have been that the secretary should countersign every commission presented to him by the governor. The secretary is however only required to countersign those commissions required to be issued by law—must he not then look into the law to see if the commission is required by law?"

The court said in the opinion: "A question of much importance here arises, whether the incumbent of the office of governor can make an appointment in the recess of the general assembly, when the vacancy did not occur since the adjournment of that body."

The answer to this question is only to be found in the true construction of the eighth section of the fourth article of our constitution, which reads as follows: "When any office, the right of whose appointment is by the constitution vested in the general assembly or the governor and senate, shall during the recess die, or his office by any means become vacant, the governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the general assembly." If any doubts existed as to the meaning of this section, references might be had to the practice of the government, "had such practice been acquired in, etc., the vacancy must have happened during the recess." This view has been accepted as the proper construction of a nearly corresponding section of the constitution of the United States.

The court did decide that the governor had no authority to issue the commission to Ewing, appointed paymaster general, for the reason stated. That the secretary of state might look into the constitution and the law, in order to determine whether the commission was lawfully issued or not, and that the commission in this instance was not lawfully issued, but did not decide the main question, "whether Edward Coles or Adolphus F. Hubbard was the *de facto* governor of Illinois."

It may be added that nearly all the governors of Illinois have absented themselves from the state at their pleasure, and while the lieutenant governor has sometimes exercised the functions of the office of governor, he has ever since the adoption of the constitution, with the exception mentioned, yielded to the re-

turning governor without objection. Judge Smith, associate justice, delivered a separate opinion but concurred with the court in refusing to award the mandamus.

It will be readily concluded by the professional reader that the status of the negroes and mulattoes, who came or were brought into Illinois and held as slaves, or indentured servants, which was a qualified servitude, excited much of the attention of the people, the legislature of the territories, the constitutional convention, and the courts.

There was much opposition to the ordinance of 1787, which prohibited the introduction of slavery into the territory northwest of the river Ohio, and efforts were made in influential quarters to repeal, or evade the operation of, the ordinance. On the 17th of September, 1807, the territorial legislature of Indiana, which then included Illinois, passed "an act concerning the introduction of negroes and mulattoes into this territory."

The first section of the act authorized the owners or possessors of slaves to bring them into the territory. The second section authorizes the master to go with the slave before the clerk, and agree with the slave for the term of years the slave shall serve, and the clerk shall make a record of the contract.

It was a part of the same act, section thirteen, "That children born in this territory of a parent of color, owing service, or labor by indenture, according to law, shall serve the master or mistress of such parent, the male until the age of thirty, and the female until twenty-eight years of age." The territorial convention of 1818 had, by the sixth article of the constitution, also confirmed indenture, except upon the impossible condition that such indenture shall be executed by the servant while in a state of perfect freedom, on a bona fide consideration. The whole article (sixth) looks to the support of a qualified system of slavery, called by the name of "apprenticeship."

The case of *Cornelius versus Cohen* (Breese, 92) "was an action of replevin brought in the circuit court of St. Clair county for the recovery of the possession of Betsey, a negro girl. Justice Lockwood delivered the opinion of the court. The facts of the case are that on the 6th day of October, 1804, a free negro woman named Rachel, aged twenty-three, entered into a writing by which she bound herself to serve the plaintiff fifteen years. It was admitted on the trial that Rachel was the mother of Betsey, who was born in 1805. The court held that Betsey could not be held to service under the act of 1807, because Rachel, the mother, was at the date of the contract, October 6, 1804, free. Still the subject of the status of negroes and mulattoes returned in various forms to plague the courts.

In the case of *Nance*, a girl of color, versus Howard, the supreme court, per Lockwood, justice, (Breese, 182), held that "registered servants are goods and chattels and can be sold on execution."

The court referred to the territorial statute of 1807, section seven of which recites: "And whereas doubts have arisen whether the term of service of negroes and mulattoes bound in this territory may be sold on execution, on this same day an act was passed subjecting 'bound servants,' with a variety of

personal property, to taxation, and by another act 'the benefit of the contract of service may be assigned by the master with the consent of the servant.' The case was decided at the December term, 1828, and the court did not see the obvious distinction between an assignment of the contract of service with the consent of the servant, and a sale of the time of a servant under an execution open to all bidders."

In the case of *Fanny*, a woman of color, versus *Montgomery et al.* (opinion of the court by Justice Lockwood), which was an action of trespass to try the plaintiff's right to freedom (*Breese*, 188), it was held that "when the defendant in an action of trespass, assault and battery and false imprisonment, justifies, under a certificate granted by a justice of the peace in pursuance of an act of congress respecting fugitive slaves from labor, the plea must show that all the facts existed at the time of granting the certificate contemplated by the act. The plea should also state affirmatively to whom the certificate was given, whether to the person claiming the fugitive, or his agent, and if the agent, his name."

In the case of *Phoebe*, a woman of color, versus *Jay* (*Breese*, 206), it was held (opinion by Lockwood, justice), "The act of 1807, respecting the introduction of negroes and mulattoes into the territory, is void, as being infringement to the sixth article of the ordinance of 1787, but indentures executed under that law are made valid by the third section of the sixth article of the constitution of this state. A constitution can do what a legislature cannot, as it is the supreme, fixed and permanent will of the people in their original, sovereign and unlimited capacity, and in it are determined the condition, rights, and duties of every individual of the community; from its decrees there can be no appeal, for it emanates from the highest source of power. An act of the legislature is different, and if it contravenes the constitution, no repetition of it can render it valid."

The court after some sophistical reasoning as to the effect of a repeal of the ordinance of 1787, by common consent, and as to the effect of the statute of limitation as it affects the burden of proof, concludes that the plea of the defendants who claimed the services of the plaintiff was faulty and the judgment was reversed, for defect in the plea. "It did not show whether the defendant claims the plaintiff in his character as heir, or administrator. On the ground that the plea is too uncertain as to the character in which the defendant claims the service of plaintiffs, and upon the further ground that in neither capacity can the defendant claim her services, the judgment should be reversed."

The court seems to have held: First, that if the defendant claimed that the plaintiff owed him service as administrator, one had no right to insist that the plaintiff "should attend to the ordinary business of him, the defendant, as his authority was only to keep the custody of plaintiff until her time of service could be sold."

It was a refinement which could only be justified by an anxiety to give effect to the constitution, which forbids involuntary servitude in this state. It is well settled that an administrator may plead in replevin "property in himself" generally.

The case of *Edward Coles* versus the county of *Madison* (*Breese*, 115), pre-



EDWARD D. BAKER.



THOMAS FORD.



JOSEPH GILLESPIE.



JOHN REYNOLDS.

sents another illustration of the deep-seated prejudice against negroes which existed in the popular mind in early times. Governor Coles, who took such a conspicuous part in opposition to the introduction of slavery into Illinois, brought into Madison county from Virginia a number of slaves, and after providing them with homes, "set them at liberty," as was charged in the declaration, without giving bond, as was required by an act of the legislature of 1819.

A verdict was found against Coles at the September term (1824) of the Madison circuit court, but no judgment was rendered upon the verdict until September, 1825, the case having been continued until that time, pending a motion for a new trial which was taken under advisement.

In January, 1825, the legislature passed an act releasing all penalty incurred under the act of 1819, under which Coles was prosecuted. Coles pleaded this act *puis darrein continuance* and renewed his motion for a new trial, but the court (McRoberts, judge,) overruled the motion and rejected the plea. Chief Justice Wilson delivered the opinion of the court, and the court held that "the legislature was competent to release the penalty provided by the act of 1819, after suit brought and before judgment rendered." It held that the act releasing the penalty was not an *ex post facto* law, or a law impairing the obligation of contracts, and further held, that the act of the legislature might be pleaded *puis darrein continuance*, in bar of the suit.

Another case of great interest, one giving construction to the constitution of the state, was decided by the supreme court at the December term, 1839. It was the case of Alexander P. Field versus the People, on the relation of John A. McClernand (reported Second Scammon, 79). The case was argued by eminent counsel for both parties. Cyrus Walker, Justin Butterfield, Levi Davis and Mr. Field for himself, for the appellant; and J. B. Thomas, Jr., Stephen A. Douglas, James Shields and John A. McClernand for himself, and Attorney General Kitchell, for the appellees. It was an information in the nature of a *quo warranto* filed by John A. McClernand against Alexander P. Field "to know by what authority he holds and exercises the office of secretary of state of the state of Illinois." The facts of the case in brief are that Field was legally appointed secretary of state in 1829, and had continued to exercise the duties of said office ever since. On the first Monday of August, 1838, Thomas Carlin was elected governor of the state of Illinois, and on the 1st day of April, 1839, by virtue of his authority as governor, he appointed John A. McClernand secretary of state.

Wilson, chief justice, delivered the opinion of the court, and stated the question to be: Whether Field or McClernand was entitled to the office of secretary of state. The court held in substance: First, that under the constitution of the state of Illinois the appointing power has not the power of removal from office. Second, the governor has not the power at his will and pleasure to remove the secretary of state when he is once appointed; the power of appointment is suspended until a vacancy occurs. Third, when the constitution creates an office, and leaves the tenure undefined and unlimited, the officer holds during good behavior, and until the legislature by law limits the tenure to a term of years or authorizes and confers upon some functionary of the government the power

to remove the officer at will or for good cause. This power the legislature has an undoubted right to confer. Fourth, the office of secretary of state is created by the constitution of the state of Illinois, without any limit to its duration; it consequently remains so until the legislature provides one.

This was regarded at the time as a political decision, and Judge Smith delivered a dissenting opinion, which sustained the view of the governor. Field and McClernand were active politicians, and the case produced great excitement in political circles.

The writer of this came to Springfield in December, 1839, soon after the opinions were delivered, and states the impression made upon his mind at the time.

The legislature was then in session in Springfield, and the city was filled with strangers, including most of the leading public men of the state. I here saw, for the first time, Lincoln, Baker, Calhoun, Field, Browning and others who were the leaders of that day.

In the evening after my arrival in Springfield, I attended the public meeting held in the Second Presbyterian meeting-house, which was then used by the house of representatives, and listened to speeches from Alexander P. Field, John Calhoun (then of Springfield), O. H. Browning and Stephen A. Douglas. Field's speech was an eloquent and most bitter arraignment of Theophilus W. Smith, one of the judges of the supreme court. Judge Smith had held, in opposition to the other members of the court, that the secretary of state was subject to removal by the governor. Field was secretary of state, and possessed a remarkable capacity for invective, which he used unsparingly.

Calhoun defended the judge with great dignity and force. Browning took sides with Field and delivered a most eloquent and attractive argument, and he was followed by Douglas, with characteristic ability. Discussions of this character were kept up night after night, by Lincoln, McClernand and Isaac P. Walker, then a member of the legislature from Vermillion county and afterward a senator from Wisconsin.

"There were giants in those days." None of these great leaders, except McClernand, are now living. Field died in New Orleans, Walker in Wisconsin, Calhoun in Kansas, Browning and Douglas are dead, and the circumstances of Lincoln's tragic death are well known.

Governor Ford, in commenting upon this decision, says: "Alexander P. Field was the old secretary; he had been appointed by Governor Edwards ten years before, and had been continued in office by both Reynolds and Duncan, without any new appointment. He was a Whig, and Governor Carlin was a Democrat; and as the secretary of state is not only a public officer, but a sort of confidential helper and adviser of the governor, Governor Carlin claimed the right of selecting this officer himself, and from his own party. The governor nominated to the senate, Mr. McClernand, of Gallatin county. The Whigs of the senate, and some Democrats—enough to constitute a majority—decided that the tenure of the office ought to be defined and limited by the legislature, but that until they did so the secretary could not be removed and a new one appointed.

The governor and his friends contended that he had the power of removal and appointment at all times, to be exercised at his discretion. The governor made five or six nominations, all of which were rejected by the senate. After the legislature adjourned the governor again appointed Mr. McClernand, who demanded the office of Mr. Field and was refused. Mr. McClernand then sued out his writ, to try his right to the office. The question was taken to the supreme court, and was decided against him by Wilson and Lockwood, Judge Smith dissenting. Judge Browne gave no opinion, on account of his relationship to Mr. McClernand.

This, at the time, was supposed to be a great question; the ablest counsel of the state were employed and the decision of the judges is elaborated to such a degree as to show their opinion of its consequence. The decision raised a great flame, and the Democrats contended that the odious doctrine of life offices had been established by it.

The case of Spraggins versus Houghton, which was before the court at the June term, 1840, in which the right of aliens to vote after six months' residence in the state was involved, produced still greater excitement than did the controversy between Field and McClernand.

The constitution provided "that all free white male inhabitants over the age of twenty-one years, who have resided in the state for six months shall be entitled to vote at all general and special elections." The alien vote at the time was estimated at ten thousand, "nine-tenths of which was Democratic." It was believed that the Whig judges would decide with their party, and that belief led to a reorganization of the supreme court. It is apparent from the opinion of the court, delivered by Justice Smith, that the court believed it to be a fictitious case.

Judge Smith was, as said by Governor Ford, "an active, bustling, ambitious, and turbulent member of the Democratic party."

The act of February 10, 1841, by which the judiciary was reorganized, the circuit judges legislated out of office, and the number of the judges of the supreme court increased to nine, was the direct result of the anticipated decision in Spraggins versus Houghton.

It is too late now to speak in condemnation of the act of February 10, 1841, for it brought into the public service such eminent judges as Thomas Ford, Sidney Breese, Walter B. Scates, Samuel H. Treat and Stephen A. Douglas, who were elected associate justices by the legislature on the 15th day of February, 1841.

In 1846, the writer attended the election in Macoupin county, where the judges of election took a much more liberal view of the constitution, which required six months' residence in the state as a condition of the right of suffrage. A voter, when the elections were held in August, had come into the state some time in the month of April. The judges of election decided that as he had not been in the state six months he could not vote, but one of the judges bethought himself of an inquiry, "Whether he had had the chills or not?" He said he had, "and would have another in the afternoon, and wanted to get home." The judge said: "Let him vote; having the chills is equal to six months' residence."

CHAPTER V.

THE SUPREME COURT—1841.

AMONG those added to the supreme court by the reorganizing act of February 10, 1841, was Thomas Ford, who was afterward the governor of the state.

He was born in, or near, Uniontown, Pennsylvania, in 1800, and was brought into Illinois about the year 1804, by his mother, who settled in Monroe county. Governor Reynolds says (*Pioneer History*, p. 375): "Ford, being younger, had a better opportunity than his half-brother, Forquer, to obtain an education. He might be considered as having received a good common-school education, for the wilderness state of the country, forty years since, in Illinois. In his youth his mind was developing itself so that he gave great promise of his future success; at school he was ardently attached to the science of mathematics. Daniel P. Cook became acquainted with Ford, saw that he possessed a vigorous and strong mind, and was his sincere and efficient patron ever after. Cook provided and made the arrangements for Ford to study law. Forquer, his half-brother, considered Ford's education defective, and sent him to Lexington, Kentucky, to improve it. He was compelled on many occasions while reading law to stop and teach school for support.

"In 1829 Governor Edwards appointed him the prosecuting attorney for a judicial district. In 1831 Governor Reynolds reappointed him prosecuting attorney. In 1835 he was elected by the legislature a circuit judge, and in 1841 he was elected an associate justice of the supreme court. In 1842 he was elected by the people to be the governor of the state of Illinois."

Still following Governor Reynolds (*Pioneer History*, page 376): "Governor Ford possessed many of the high and noble traits of character that constitute an eminent man. * * * The mind and character of Governor Ford qualified him for a judge better than for any other station. He was frank, open and firm on the bench, and at the same time learned and competent in the exposition of the law. He was a good and sound lawyer, but not the advocate some others were at the bar. His honesty and warm, friendly attachment to friends when he was governor enabled the cunning and shrewd hangers-on at the seat of government to mislead him at times. * * * With these talents he made a good writer, and has written the *History of Illinois*, which is not yet published. Those having the manuscript say the history will be valuable for its information and add credit to its author."

After the close of his gubernatorial office he resided in Peoria and practiced his profession. He died there November 2, 1850, sincerely regretted by the public. There is no doubt but that the friends of Governor Ford made a mistake

in advising him to leave the bench and accept the office of governor. He was eminently fitted for the judicial place, but totally unfit for the political office. There is not much in his history which enables one to determine his merits as a judge. His *History of Illinois*, to which Governor Reynolds makes an allusion, was written with the greatest frankness, and is no doubt accurate in its facts, but bitter in its criticisms of public men.

Sidney Breese, the first reporter of the decisions of the supreme court of Illinois, was born (so it is said) in Oneida county, New York, on the 15th day of July, 1800. At eighteen years of age he was graduated at Union College, in a class of sixty-four, among whom were Bishops Alonzo Potter and George W. Doane, and United States Senators A. S. Porter and James A. Bayard.

He came to Illinois, and in December, 1818, reached Kaskaskia, where he remained, on the invitation of Elias Kent Kane, in whose office he studied law. He was admitted to the bar in 1820. He married Eliza, daughter of William Morrison, a merchant of Kaskaskia.

His volume of reports was published in November, 1831, and he was elected by the legislature to be a circuit judge on the 19th day of January, 1835. He remained upon the circuit bench until after his election to be one of the associate justices of the supreme court, which occurred on the 15th day of February, 1841, under the act reorganizing the supreme court, which was finally passed over the bill of the council of revision on the 10th of February, 1841.

Judge John M. Scott, who writes appreciatively of Judge Breese (*Illinois History*, page 329), tells the story of his life: "He was admitted to the bar when he was only twenty years of age, and from that time, for a period of nearly three score years, he was prominent in both the legal and political history of the state. Writing his biography would be the history of the state during his active life. * * * A few of his cotemporaries are still living, and they most like to remember him as he appeared to them when he was at his greatest strength, after the full development of his physical and mental powers."

The writer remembers Sidney Breese as he appeared in 1834 addressing a jury in Madison county, and was impressed by the clearness and precision of his statement of the facts of the case on trial, and with the force of his argument based upon the facts. He again met Judge Breese in January, 1840, when he (the writer) appeared in the circuit court of Madison county and was assigned by the court to the defense of one of the parties indicted, of which he has given an account in the sketch of Governor John Reynolds.

He again met Judge Breese in Greenville, in Bond county, and at Vandalia, in Fayette county, when the court assigned U. F. Linder and the writer to defend a poor fellow who was indicted for chicken-stealing. Linder, on a motion to quash the indictment which charged the value of the chickens to be fifty cents, gave his free rendering to the maxim, *De minimis non curat lex*, as "The law don't care for a few chickens." The judge held that the translation of the maxim was a forced one, but, after all, Linder acquitted our client by a speech which combined wit and fun and raillery of the prosecution and the prosecuting witnesses. Usher F. Linder was the most remarkable man I have ever met.

He combined all the qualities of a great man and great lawyer, except plain, common "horse sense." He lived, as he died, without any real friends, and without any property. He was the author of the definition of a bigoted man, as "one man having more sense than one man ought to have, and not enough for two."

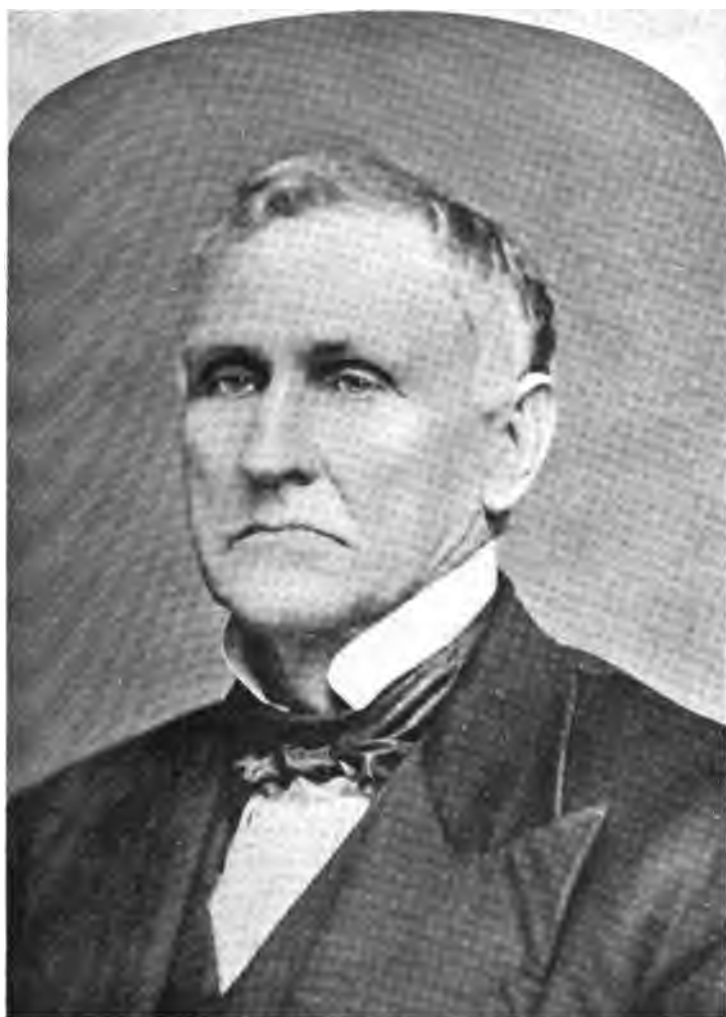
Judge Scott says (Illinois History, page 337): "Judge Breese was eminent in the political as well as the judicial history of the state. It is not generally understood, but it is a fact, that he had much more liking for politics than for the law; his political career was short, but it was brilliant, and abounded in results that come only from the highest statesmanship. It is more than probable that if opportunity had offered itself to gratify his political aspirations he would at any time have given up his judicial office for that to him more agreeable,—the field of politics. His ambition led him to hope for high positions, even in national politics, and nothing gave him more pleasure than to see his name mentioned in the public press for a high office." "Know thyself" is one of the wisest of all the proverbial maxims.

Judge Breese looked the judge while on the bench. He was industrious, prompt, energetic, and patient; he knew the law, and applied it to the cases before him. He was a profound judge, but lacked the elements of a successful politician. His diction was stately and accurate, and his opinions, when read, will be found to be energetic, forceful and expressed in the best words of the English language.

He remained upon the bench of the supreme court until his election to the senate, on the 19th day of December, 1842, when he resigned. He was defeated for re-election as senator by General James Shields, at the session of the legislature held in 1848, and was returned to the bench at the election held in the third grand division, on the 3d day of November, 1857, and remained upon the bench until his death, which occurred June 27, 1878.

Judge Scott says: "No one did more to perfect our judicial system. He came into the court when our jurisprudence was not yet matured into a perfect system. It is difficult to estimate the character of Judge Sidney Breese. He had the reputation of possessing extensive material relating to the history of the state of Illinois and the Northwestern territory. The committee on the judiciary in the constitutional convention of 1870 submitted to the then governor a plan for the reorganization of the supreme court. It was that six judges should be elected by the people in districts, and the chief justice be appointed by the governor and confirmed by the senate. The committee submitted the scheme to the governor; he told them at once that if it was adopted Breese would be the chief justice. The governor called upon Breese a few days afterward and told him of the plan for the reorganization of the court, and also remarked 'My object is to afford you leisure to use the materials you have toward the history of Illinois and the Northwest.' Breese replied, 'While I am a judge, I will be every inch a judge.' The scheme was abandoned at once."

Samuel Hubbel Treat was born in Otsego county, New York, on the 21st day of June, 1811. He was admitted to the bar of his native state, and came to



SAMUEL H. TREAT.

Illinois in 1834, settling in Springfield, where he resided until his death, which occurred on the 27th day of March, 1887.

He was appointed to be a circuit judge (to fill a vacancy), on the 27th day of May, 1839, by the governor, and was elected by the legislature January 31, 1840. On the 13th day of February, 1841, he was elected by the legislature to be one of the associate justices of the supreme court, which office he held until the 23d of March, 1855, when he resigned, in order to accept the position of judge of the district court of the United States for the southern district of Illinois, which last mentioned place he held until his death, as before stated, March 27, 1887.

The writer and Judge Allen, his successor, appeared before Judge Treat in the last case he heard. Before the case was concluded his countenance indicated that he was seriously ill. It was proposed by one of the counsel that, as the Judge was manifestly suffering, the further hearing of the case be postponed. He acceded to the proposition with manifest reluctance. He never appeared in court again. He died a few days afterward. Judge Treat was an able lawyer, and excelled in his appreciation of facts. It was said of him that he could be depended upon to try issues of fact better than the most intelligent jury. He devoted himself exclusively to his judicial duties, neglected his private business, which was found, after his death, to be in great confusion. He was a most rigid Episcopalian, and it was said of him that he had never entered a church of any other denomination, except upon public occasions when his presence was necessary.

In 1860, after the nomination of Mr. Lincoln for the presidency, a suit was instituted by Hon. David J. Baker, the elder, against the faculty of Shurtleff College. Mr. Lincoln appeared for the plaintiff, and the writer for the defendants. A demurrer was interposed to the declaration. Judge Treat proposed to Mr. Lincoln to take care of his side of the case; the writer argued for the defendants. Judge Treat sustained it, and the declaration was never amended. This was the last case in which Mr. Lincoln ever appeared in court.

Judge Treat was honest, and prompt in his decisions, and gave general satisfaction to the bar and to the public. His opinions were brief and clear. He was one of the co-editors of Treat, Scates and Blackwell's Statutes, which work, however, never attained much popularity.

Walter Bennett Scates, formerly chief justice of the state of Illinois, departed this life at his home in Evanston, on the 26th of October, 1886, at the age of seventy-nine years. Being admitted to the bar of the state in 1833, he became attorney general on the 18th of January, 1836, and was circuit judge of the third circuit on the 26th of December of that year, being at the time of his death the oldest judge by date of commission. In February, 1841, he became one of the supreme judges, which position he occupied until January 11, 1847, when he resigned. He was a leading member of the constitutional convention of 1848, and was again a supreme judge from July 4, 1853, until 1857, when he again resigned. He was made chief justice in 1855, and continued to fill that most high and responsible office until his retirement from the bench.

From a strict sense of duty and responsibility to his country, he served dur-

ing the war for the Union. In 1862 Judge Scates was commissioned major on the staff of General John A. McClernand, and before the close of the war became assistant adjutant general. When he was mustered out of the service, in 1866, he was brevetted brigadier general of volunteers. He was tendered but declined the position of governor of New Mexico to which President Lincoln would have appointed him, and was collector of the port and depository of moneys for Chicago from 1866 to 1869.

In 1857 Judge Scates was one of the three compilers of our statutes. In a succeeding chapter, pertaining to compilation and revisions of the laws of the state, certain reference is made to Judge Scates' efforts in the connection. During the time when he was not engaged in the public service he was an active practitioner at the bar. Few men of our state have been more intimately connected with our politics and jurisprudence. No worker in those fields was more laborious, faithful or painstaking; nor did any of his honored colleagues achieve greater respect among his fellows or more public appreciation than Judge Scates.

Always honored by the people when he appealed to their suffrages, he filled all public stations to which the popular vote called him with ability, credit and a deep sense of responsibility, and in the ordinary criticism of his public acts, which an aggressive and uncompromising nature naturally invoked, his ability, purity of character and integrity of purpose were conceded as a matter of course. His contemporary, Judge Treat, said: "Judge Scates was as honest and conscientious a man as I have ever known." His decisions always have been and still are extolled by good lawyers. They are entitled to greater than perfunctory praise; they are direct and trenchant, never attempting to evade the responsibility of manfully meeting and deciding the matter at issue, however disagreeable or difficult, and when authorities existed, sustained copiously thereby. In laborious research, while on the bench, Judge Scates was excelled by no judge in Illinois, as his decisions abundantly show; while in the masterly vigor of thought, and a broad comprehension of the entire case in hand and its necessities, he had no superior among his contemporaries.

He was as plain and unassuming in the later and more polished era as in the primitive days, and he was altogether unassimilated to the superficial methods of modern times. He had no vulgar ambition for distinction, much less for display, and no envy or jealousy of his fellows; he had no craft, sagacity or policy in his politics, and his achievements and posts of honor were the rewards of merit and not of importunity. Judge Scates was a faithful type of the class of judges who sat in the highest courts of New York, Georgia, Kentucky and other leading states in the early days, and applied and adapted the common law of England to our new political conditions. In his day there were not so many cases or authorities as now, but the labors of the consultation-room, from a dearth of authorities, were more onerous, and logic was the main reliance of the review judge then, as precedent is now.

After a laborious life of half a century, largely spent in the public service, during which Illinois expanded from a feeble, indigent and sparsely settled com-

munity, to a populous, rich and powerful state, this honored servant of the people laid down his burden as poor in worldly wealth as when he commenced his career, but honored by the record and faithful performance of high public trust. He was a grand old man, firm as a rock. He served his country in the forum, as a judge, as a legislator, as a private soldier and as an officer in two wars, commencing his military career as a musician. He performed every duty firmly, ably and with an honest purpose. No power could drive him from what he thought was right. Had he been influenced by wealth and power he might have died worth millions instead of a few thousand dollars. The state should not forget the services of such a man.

Stephen Arnold Douglas was elected associate justice of the supreme court of Illinois on the 1st day of March, 1841, and resigned on the 28th of June, 1843. Mr. Douglas remained upon the bench of the supreme court so short a time that he had no opportunity to win judicial distinction, but his opinions were expressed in good language, and gave promise of future success as a judge.

He was born April 23, 1813, at Brandon, Vermont. His father, who died when Stephen was an infant of three months, was a physician. In youth Stephen A. Douglas received the ordinary school education of his native state, and was an apt and diligent pupil. At fifteen, unable to gratify an ardent desire to prepare for college, he apprenticed himself to a cabinet-maker. He afterward entered an academy at Brandon, and having in the meantime removed to Canandaigua, New York, he resumed his academical course and commenced the study of law.

At the age of twenty he started west to seek for a location, and came to the village of Winchester, in Scott county, Illinois, in the fall of 1833, and was admitted to the bar by the supreme court, which sat at Vandalia. Within a year after his admission to the bar he was elected, by the legislature, state's attorney for the judicial district in which he resided and he removed to Jacksonville. In 1836 he was elected to the legislature from Morgan county. In 1837 he was appointed by Mr. Van Buren register of the land office at Springfield. In 1838 he was nominated as a candidate for congress, the district then extending across the state and including Sangamon, Cook, Adams and Jo Daviess counties, and indeed the whole northern part of the state. It was during this canvass that the writer became acquainted with Stephen A. Douglas and John T. Stuart, opposing candidates for congress, under the following circumstances. I copy from my memoirs:

"In Hancock county I met, for the first time, Stephen A. Douglas. One night after Mr. Sands N. Breed (who was employed with me) and I had retired (we occupied separate beds in the same room), the landlord, Mr. Swope, came to our room, accompanied by two gentlemen, who were introduced to us as Mr. Stuart and Mr. Douglas, opposing candidates for congress. The landlord called us by name, and informed us that we would have to occupy the same bed. Douglas then asked our politics, and Mr. Breed told him that he was a Whig, and that I was a Democrat. Douglas replied, 'I will sleep with the Democrat, and Stuart may sleep with the Whig.' The arrangement suited all parties. I

heard Douglas speak the next day and, though not quite twenty-one years old, voted for him on the first Monday in the August following. He had no more devoted adherent than myself until we separated, in 1854, over the Nebraska bill."

The writer kept up his acquaintance with Mr. Douglas until December, 1839, when he came to Springfield to obtain admission to the bar. I again copy from my memoirs: "I met Mr. Douglas soon after reaching the city and told him my business was to obtain a license to practice law. He, with that cheerful kindness which always characterized him and made him so popular—particularly with young men—made my application for admission, had himself and the late J. Young Scammon appointed a committee to examine me touching my qualifications to practice law. He invited me to his room for examination, where I met Mr. Scammon. The committee treated me with great kindness, and made a favorable report. Mr. Douglas drew the license, made the motion for my admission, and the license was signed by two justices of the supreme court, Lockwood and Browne. I took the prescribed oath and signed the roll, and was then a lawyer, lacking nothing but learning, experience, and clients. I had money enough to pay my hotel bills before leaving Springfield, and I 'took no thought for the morrow.'"

I have said before, that Judge Douglas, both by his conduct on the circuit and through the opinions of the supreme court written by him, evinced great capacity, and he would, had he not devoted himself to politics, have made an eminent judge. He was elected senator, on the 14th of December, 1846, on the first ballot. He had already served parts of three terms in the house of representatives.

Stuve and Davidson's History of Illinois, page 685, says of him: "With the advent of this remarkable man, whom we do not hesitate to call great, into the United States senate, Illinois took at once high rank in that august body, redounding not only to her glory, but solid advantages such as no state received before, or has since, at the hands of congress. We allude to the procuring of the Illinois Central Railroad land grant, a herculean task, in which he received the support of his colleague and the entire delegation in the lower house."

Douglas, though young in years, was directly acknowledged the peer of the great statesmen, Webster, Clay and Calhoun, with whom he served in his first term. It is exceedingly difficult for one who took part in the great contest between Douglas and Lincoln in 1858 to avoid giving his impressions of that great struggle which took place between two members of the Illinois bar. They were natural rivals, socially and politically, and it may be added professionally.

Abraham Lincoln was born in Hardin county, Kentucky, on the 12th of February, 1809. In 1816 the family settled in Spencer county, Indiana. Two years later the mother died, and the father married a second time, and the son worked in the neighborhood on farms, and in clearing away the dense forests. He received the meagre education which the new country afforded, and his boyhood had few advantages of culture. He said in one of his speeches, "I have not a fine education; I am not capable of entering into a disquisition on 'dialectics;' I believe you can."

Davidson and Stuve (*History of Illinois*, page 702) say: "His broad executive capacity, so suddenly developed under great trials constituting the sublimest events in our history, his fidelity to the right, and his courage and firmness which grew out of that, it may here be said, were not without astonishment to those who knew him best in Illinois and who imagined that they constituted all that was to be learned of his character. Possibly it was so to himself. The great lesson of man, 'Know thyself,' is ever least understood."

John Dean Caton was born in Monroe, Orange county, New York, March 19, 1812. His father was three times married and he was one of the four children of the third marriage. Shortly after the birth of Judge Caton his mother removed to Oneida county, New York, and there, at the age of nine years, he began work as a farm hand, continuing his labors through the summer months, while in the winter season he attended the district school of the neighborhood. At the age of sixteen he became a student in the academy at Utica, and upon his return home a year later began teaching school. He possessed a laudable ambition to improve his condition and make the most of his opportunities in life, and during the era of school-teaching also took up the study of law and of civil engineering. The former, however, proved more attractive, and he later read under the instruction of Beardsley & Matterson, prominent attorneys of Utica. He afterward continued his studies in the office of Wheeler & Barnes, of Rome, and with James H. Collins, of Vernon. In 1883, attracted by the almost limitless opportunities of the west, Judge Caton started for Michigan, but while traveling he learned of the little town of Chicago, which as yet had no member of the bar. He at length arrived at White Pigeon, Michigan, but he had determined to go to the future metropolis of the west, and, on a raft, made his way to St. Joseph, whence he came on the vessel, *Ariadne*, to Chicago, then a town of only three hundred inhabitants. On the second day he secured a boarding place in a log house just north of Lake street and east of Dearborn street, where he found and shook hands with Giles Spring, a lawyer who had reached Chicago just five days previously. The two became fast friends, though afterward pitted against each other in many cases.

Mr. Caton looked over the field and at length concluded that perhaps business might be better on the north side of the river. Accordingly he moved to the office of Colonel R. I. Hamilton, a log building, partly occupied by the latter's family. Both the young lawyers were looking for a good place in which to begin business, but neither opened an office until the following December, when Dr. John T. Temple erected a small balloon building on South Water street, near Franklin. The two young lawyers opened an office together with the agreement that when one had a client the other should leave the room. Thus was established the first law office in Chicago. Mr. Caton prosecuted on the first criminal case ever tried in Cook county. The justice of the peace wrote out the warrant for arrest on his carpenter bench and then Mr. Caton proceeded to the log cabinet-shop of James W. Reed, who was both the only cabinet-maker and the only constable in the town. Then began the search for the accused man, who had stolen forty-six dollars. He was at length found, taken before the justice,

and Mr. Caton, who acted also in the capacity of detective, discovered the money in the man's stocking. The culprit was defended by Mr. Spring, the only other lawyer in Chicago, but Mr. Caton secured a conviction and received ten dollars of the recovered money as his fee, which was just sufficient to pay his board bill. He, however, spoke of it as the greatest fee he ever received.

On the 12th of July, 1834, when twenty-two years of age, he was elected a justice of the peace, the precinct taking in the whole of Cook county, and out of two hundred and twenty-nine votes he received one hundred and eighty-two. He was connected with the first murder case ever tried in Cook county, but just before the trial came off he was taken ill, and his partner, Mr. Collins, who had come to the city six months after Mr. Caton, followed out the plan which he had mapped out and won the case, acquitting the client. In the spring of 1835 the Judge determined to extend his practice to Putnam county, the oldest settled in the northeastern part of the state, and started on horseback. There he soon succeeded in establishing a liberal clientage and from that time on his success was assured. He applied himself untiringly to any work that he began, and this application, combined with his superior legal knowledge, won him a position as one of the most eminent members of the bar of Cook county—a reputation which he maintained for many years thereafter.

Judge Caton was married in July, 1835, to Miss Laura Adelaide, daughter of Jacob Sherill, of New Hartford, Oneida county, New York. She was his faithful companion and helpmeet for more than half a century, sharing with him in the hopes and disappointments in his earlier years, the prosperity and successes of his later life. She passed away in 1892, and was laid to rest in the cemetery at Ottawa, Illinois. In the family were three children, but Mrs. Charles E. Towne died in 1891. The son, Arthur Caton, is a leading citizen of Chicago, and the daughter is Mrs. Norman Williams.

Judge Caton had been in the west but a short time before he had left an impress of his energetic, sturdy young character on this section of the country. He was a member of the first political convention ever held in Illinois. It met on the 4th of March, 1834, at Ottawa, Dr. David Walker serving as president, while Mr. Caton acted as secretary. In 1836 he formed a law partnership with N. B. Judd, and the same year built the first dwelling within the school section on the west side of the southeast corner of Harrison and Clinton streets. About this time there was an endeavor made to secure a charter for the thriving little western city, and the Judge was active in the movement. The following year, when the country became involved in a financial panic, he, too, lost much of his real estate, and becoming broken down in health he removed, in 1838, to a farm near Plainfield that he had purchased some years before, and to which he took his family in 1849.

Judicial honors were early in life conferred upon Mr. Caton. When not yet thirty years of age Governor Carlin appointed him judge of the supreme court, and not long afterward he was appointed by Governor Ford to fill another vacancy. When the supreme court was reorganized under the new constitution he was chosen as one of the three judges of that court, his associates being



John Henry L. L. L.

Judges Treat and Trumbull. For twenty-one years he filled that responsible position, and during six months of the time presided as chief justice. On the bench his decisions were ever fair and just. He possessed a judicial temperament of peculiar adaptability and acquired a broad and comprehensive grasp of law. Though devoted to his chosen profession he by no means confined his energies to that one calling. He was the first citizen of Illinois to cross the state with a telegraph line. With a sagacity seldom equaled, he seemed to realize the importance of Professor Morse's invention, and organized and became chief proprietor of the Illinois & Mississippi Telegraph Company. The success of the telegraph made him extremely wealthy. At one time he controlled all the telegraph lines in Illinois, but he leased them to the Western Union Telegraph Company, and thereafter enjoyed an enormous income from these leased lines. Judge Caton also became interested in granite street-paving, was a stockholder in a glass factory in Ottawa, and was equally successful as a farmer and author.

On his retirement from the bench Judge Caton went to his beautiful farm at Ottawa, Illinois, and devoted much of his time to agricultural pursuits, in the midst of a fine park, where deer and wild fawn roam at will under magnificent forest trees. He also had a substantial and tasteful residence in Chicago, located at 1900 Calumet avenue. He was a deep student of natural history and a lover of nature. A man of broad general information and ripe scholarship, he was a fluent and forcible speaker and writer. He traveled extensively in Europe and was familiar with every part of America. He made a close and comparative study of the social and economic conditions of the country, and published the results of his careful investigation in a peculiarly lucid and graceful style. He has been the author of many able, entertaining and instructive articles, and among his better known works are "The Unsetting Sun—A Summer in Norway," "The Antelope and Deer of America" and "Early Bench and Bar of Illinois."

He held membership with the Second Presbyterian church of the city and gave his support to all interests that were calculated to uplift humanity. He was especially charitable and benevolent, and the needy never applied to him for aid in vain. In social life he was a true friend, and it is said that no man ever practiced before the bar of Illinois or sat upon its bench that was more highly respected or admired as a lawyer or citizen. He died July 30, 1895, at the age of eighty-three years.

James Semple was born in Green county, Kentucky, January 5, 1798, his parents being John W. and Lucy Semple, who were natives of Virginia. He was the eldest of nine children. He received a fair education in the schools of Greensburg, Kentucky, which was supplemented by a legal course in Louisville.

Before this, however, he had learned the business of tanner and currier, a business which proved unsuited to his taste. He came to this state in 1818 and first settled in Edwardsville, where he remained for a short time and then returned to Kentucky. In the year 1820 he moved to Chariton, Missouri, and, having military tastes, was elected colonel of the Missouri militia.

In December, 1824, he was licensed to practice law in the state of Missouri, and in 1828 he returned to Edwardsville, where he continued the practice of his

profession with success. He was diligent and careful, and, being a man of magnificent presence and fine manners, he rose rapidly to distinction. Upon the breaking out of the Black Hawk war he was commissioned, and held a position on the staff of General Whiteside.

He represented Madison county in the state legislature and was twice elected speaker of the house. On the 30th of January, 1833, he was elected attorney general of the state, and continued to hold that office until he was succeeded by the Hon. Ninian W. Edwards, on September 30, 1834. In 1837 he was appointed, by President Van Buren, minister to Bogota. The mission was accepted, and General Semple took passage for New Granada in January, 1838. He held that position until 1842, when he was recalled. He returned to Edwardsville and the following year was appointed judge of the supreme court of the state, which position he resigned after a few months' occupancy, to accept a seat in the United States senate, as successor to Hon. Samuel McRoberts, under an appointment by Governor Ford, and was afterward elected by the legislature to fill the unexpired term of his predecessor. After the expiration of his term in the senate he returned to his home in Edwardsville.

The writer became acquainted with General Semple in the spring of 1832. In this connection I copy an extract from my own memoirs:

"Before I came to Illinois my father had made the acquaintance of General James Semple, who was a leading lawyer and politician, and of magnificent presence and proportions. He was amiable and kind to me, and in the spring of 1832, when about to start north to join the command to which he was attached, he offered to furnish me a horse and such equipments as I would need and to take me with him on the campaign.

"I was then fifteen years of age, and was delighted with the offer, which I accepted, subject to the approval of my father. I did not doubt that he would consent, and hastened home to report to him my opportunity, but he refused to allow me to go. It was my first great disappointment, but I bore it in silence when in my father's presence, for he held with Solomon on the use of the rod in family government. I did not go to the Black Hawk war, but I cherished very kind and respectful feelings for General Semple as long as he lived."

General Semple died on December 20, 1866. It is difficult to predicate as to the judicial merits of Judge Semple, as he remained upon the bench but for a short time. He was bold, outspoken and frank; as a politician he was fearless, never hesitating to commit himself to any line of policy which his judgment approved. He was prompt in his decisions, assumed all the responsibilities of his place, and was popular with the bar and the public.

Richard M. Young was a Kentuckian by birth, but came to Illinois at a very early period and took up his abode in Jonesboro, Union county. He was admitted to the bar September 28, 1817. He represented Union county in the legislature in 1820-1. He was elected a judge of the third circuit, but on the formation of the fifth circuit, which comprised all of the state north of the Illinois river, he was assigned to that circuit. After he was elected by the legislature judge of the fifth circuit he removed from Jonesboro to Quincy, so as to be within

his circuit. The amount of law business in the various counties was not great, but the distance between the county-seats and the want of modern conveniences of travel were such that at certain seasons of the year it was arduous business, although the tedium of the journey was often relieved by jovial companions, and during a portion of the year must, in the heyday of youth, have been rather a delightful exercise than otherwise.

Judge Young held the earliest terms of the circuit court in Chicago and in all of the northern counties of the state. He had the reputation of being a shrewd and judicious counselor and was associated with Judges Breese and Ford in the defense of Theophilus W. Smith, upon his impeachment before the senate in 1832-3. While a member of the United States senate Judge Young became greatly interested in upholding the credit of the state, which was at that time seriously threatened, and in a speech in that body, on February 1, 1841, he said: "The march of Illinois is forward, and if her legislative guardians at home shall promptly discharge their duty in the preservation of her credit at home and abroad, who can not foretell that her destiny is no less than that of the Empire state?"

In 1839, in company with ex-Governor Reynolds, he made a visit to Europe in order to effect the sale of bonds to carry on the public improvements of the state, but was not successful, and failing of a re-election to the senate, he was chosen an associate justice of the supreme court January 14, 1843, which office he held until January 25, 1847, when he resigned and was appointed commissioner of the general land office at Washington, to succeed General Shields. In 1850-1 he was clerk of the house of representatives at Washington. His closing years were spent in an asylum for maniacs in Washington, and he died universally pitied and regretted.

He was a tall, fine-looking man, and was one of those persons who would attract the attention of the stranger at once by his gentle and courteous manners and dignified bearing. He did not possess great executive power and did not dispatch business rapidly, but everything which he did he did well and was very careful to avoid mistakes.

John M. Robinson, who became an associate justice of the supreme court on the 14th of January, 1843, did not long survive to exercise the duties of his important office, his death occurring at Ottawa, the seat of the court over which he presided, on the 27th of the April following. He was born in Scott county, Kentucky, in 1794, and emigrated to Illinois about 1818, taking up his residence in Carmi, White county, where he entered upon the practice of the law. Being well known as a thorough lawyer, he was appointed by the governor as prosecuting attorney for his district. It may be stated in passing that another record is to the effect that Mr. Robinson came to Illinois as a child, being reared and educated here. He was a brother of James F. Robinson, at one time governor of Kentucky. In 1831 he was elected by the state legislature as United States senator, to fill the unexpired term of John McLean, deceased, his opponent being D. J. Baker, the governor's choice. In 1834 Judge Robinson was re-elected for a full term, which expired March 3, 1841.

After his death his remains were taken to Carmi for interment. He was a man of ability and left his impress upon the history of the state. In 1829 he married Mary P. D. Ratcliff, daughter of James Ratcliff, a pioneer and eminent citizen of White county, and they became the parents of two children. His son, James S., became a lawyer and was at one time prosecuting attorney of White county, his death occurring in 1859.

Jesse B. Thomas, Jr., was the second son of Richard Symmes Thomas and Frances (Pattie) Thomas, and was born at Lebanon, Ohio, July 31, 1806. He was educated at Transylvania University and practiced law for a number of years at Springfield, Illinois, removing in 1845 to Chicago, where he afterward resided. He was judge of the supreme court and did circuit court duty, and presided at the trial of Joseph Smith, the founder of Mormonism, at the time of Smith's assassination. He was married February 18, 1830, at Edwardsville, Illinois, to Adeline Clarissa, daughter of Theophilus W. Smith, and a native of New York city. She was born May 13, 1812, and died in Chicago, December 14, 1866.

Jesse B. Thomas, Jr., remained in Illinois and worked his way up to prominence by degrees, for the first notice that we have of him is his election as secretary of the senate of the seventh general assembly, which met December 6, 1830. He was also elected secretary of the senate of the eighth general assembly, which convened December 3, 1832. He was a member of the house of the ninth general assembly, which convened December 1, 1834. He must have become prominent as a lawyer at an early period, for we find that he was selected as one of the new judges which were provided for by the act of January 7, 1835, when five new judges were added to the supreme court, making that court consist of nine judges, and compelling them to do circuit duty. Jesse Burgess Thomas, Jr., as the record reads, was commissioned July 30, 1837, and resigned in 1839, but it appears that his services as a judge were in demand and that he was appointed a justice of the supreme court by the governor, August 6, 1843, to fill the vacancy occasioned by the resignation of Stephen A. Douglas. His term expired December 4, 1848. He was then elected by the general assembly, and on the 27th of January, 1847, was elected in place of Richard M. Young. He held the terms of the circuit court in Cook county in 1848-9, but resigned to go into business with Patrick Ballingall, a criminal lawyer of considerable local repute, practicing until his death, which occurred February 2, 1850.

James Shields became a justice of the Illinois supreme court on the 16th of August, 1843. He was born in Dungannon, county Tyrone, Ireland, in 1810, and his death occurred in Ottumwa, Iowa, June 1, 1879. He emigrated to the United States in 1826, studied law and began the practice of his profession at Kaskaskia, Illinois, in 1832. While he attained higher distinction in connection with his valiant military service in the war with Mexico and that of the Rebellion, he gained for himself a prominent place in connection with the bar of Illinois and in public life. He was sent to the legislature in 1836, was elected state auditor in 1839, and was appointed a judge of the supreme court in 1843.

as has already been stated. In 1845 he was made commissioner of the general land office.

When the war with Mexico was instituted Judge Shields was appointed a brigadier-general, his commission dating July 1, 1846, and was assigned to the command of the Illinois contingent. He served under General Zachary Taylor on the Rio Grande, under General John E. Wool in Chihuahua, and through General Winfield Scott's campaign. At Cerro Gordo he gained the brevet of major-general and was shot through the lung. After his recovery he took part in the operations in the valley of Mexico, commanding a brigade composed of marines and of New York and South Carolina volunteers, and at Chapultepec he was again severely wounded. He was mustered out on the 20th of July, 1848, and in the same year received the appointment of governor of Oregon territory. This office he resigned on being elected United States senator from Illinois, as a Democrat, and he served in the senate from December 3, 1849, until March 3, 1855.

After the expiration of his term he removed to Minnesota, and when the state government was organized he returned to the United States senate as one of the representatives of the new commonwealth, taking his seat May 12, 1858, and serving until March 3, 1859. At the end of his term he settled in California, and at the beginning of hostilities in 1861 was in Mexico, where he was engaged in superintending a mine. Hastening to Washington, he was appointed a brigadier-general of volunteers on the 19th of August. He was assigned to the command of General Frederick W. Lander's brigade after the latter's death, and on March 23, 1862, at the head of a division of General Nathaniel P. Banks' army, in the Shenandoah valley, he opened the second campaign with the victory at Winchester, Virginia, after receiving a severe wound in the preparatory movements on the preceding day. He was in command at Port Republic on the 9th of June, and was defeated by General Thomas J. Jackson.

Resigning his commission on March 28, 1863, he settled in California, but soon removed to Carrollton, Missouri, where he resumed the practice of law. He served as a railroad commissioner, and was a member of the legislature in 1874 and 1879, in which latter year his death occurred.

Norman H. Purple was born in Otsego county, New York, on the 29th day of March, 1803. He commenced the study of the law with Judge N. B. Eldred, in Wayne county, Pennsylvania, but completed his reading, was admitted to the bar, and commenced practice in Tioga county, in the same state, in the autumn of 1830, where on the 3d day of January, 1831, he was married to Ann Eliza, daughter of the Hon. Ira Kilburn of that county.

In July, 1837, he removed to Illinois and settled at Peoria, where he at once entered into an extensive and successful practice of his profession. From 1840 to 1842 he held the office of state's attorney of the ninth judicial district, composed of the counties of Peoria, Kendall, Kane, De Kalb, Ogle, Bureau, Stark, Marshall, Putnam and La Salle.

On the 8th day of August, 1845, he was appointed by Governor Ford one

of the judges of the supreme court. On December 19, 1846, he was elected to the same office by the general assembly and commissioned on the 21st day of the same month. The fifth circuit, to which he was assigned, was composed of the counties of Fulton, Schuyler, Brown, Hancock, McDonough, Henderson, Warren, Knox and Adams, to which the county of Pike was added by the act of February 5, 1847. Upon his elevation to the bench, Judge Purple removed to Quincy, where he resided, discharging the duties of his judicial position, until the office was changed by the new constitution, which went into effect on the first Monday in December, 1848. His associates upon the supreme bench were William Wilson, Samuel D. Lockwood, Thomas C. Browne, Walter B. Scates, Samuel H. Treat, John Dean Caton, Richard M. Young, Gustavus P. Koerner, William A. Denning and Jesse B. Thomas. Others of his contemporaries at the bar were Lyman Trumbull, Ebenezer Peck, Orville H. Browning, Thomas Ford, Julius Manning, Archibald Williams, David Davis, Stephen A. Douglas, John T. Stuart, Benjamin S. Edwards and Abraham Lincoln.

During his residence in Peoria he had as copartners in the practice of the law, at different times, Halsey O. Merriman, George T. Metcalf, Ezra G. Sanger, Lorin G. Pratt and Alexander McCoy; the last named being his partner at the time of his death.

In 1849, Judge Purple edited and published a compilation of the Real Estate Statutes of Illinois, embracing all the real-estate statutes from the time of the organization of the Northwestern territory to the time of its publication,—a work of inestimable value to the profession in those days. In 1856 he published a compilation of all the acts of the legislature of a general nature in force at that time, with references to decisions of the supreme court and to former statutes upon the same subject. This work is known as Purple's Statutes and continues to be recognized as standard authority until the present time.

Judge Purple died at the Sherman House, in the city of Chicago, on the 9th day of August, 1863. On the 11th day of the same month, a meeting of the members of the bar was held in the United States courtroom to pay a tribute of respect to his memory. At that meeting Hon. Lyman Trumbull presided, and William H. Bradley, clerk of the United States courts, acted as secretary. A committee consisting of Messrs. Emery A. Storrs, H. F. Waite, E. W. Evans and Henry G. Miller reported a series of resolutions, from which the following extracts are made:

Resolved, That as a citizen he was everywhere known and respected as possessing the highest integrity and patriotism; as a judge he added honor to the ermine and dignity to the bench; as a lawyer we can pay him no higher tribute than to say he was by all regarded as the leader of the bar of this state.

Resolved, That he leaves behind him a judicial and professional character which must ever remain a more lasting and eloquent tribute to his memory than any other and which will ever stimulate the bench and the bar to emulate the virtues which so eminently distinguished him.

Gustavus Koerner.—No compendium such as the province of this work defines in its essential limitations will serve to offer fit memorial to the life and accomplishments of the honored subject of this sketch,—a man remarkable in the breadth of his wisdom, in his indomitable perseverance, his strong individuality; and yet one whose entire life has not one esoteric phase, being as an open scroll, inviting the closest scrutiny. True, his were “massive deeds and great” in one sense, and yet his entire accomplishment but represented the result of the fit utilization of the innate talent which was his, and the directing of his efforts along those lines where mature judgment and rare discrimination lead the way. There was in Judge Koerner a weight of character, a native sagacity, a far-seeing judgment and a fidelity of purpose that commanded the respect of all. A man of indefatigable enterprise and fertility of resource, he carved his name deeply on the records of Illinois jurisprudence and on the roll of the nation’s able legists. When the chief justices of the state assembled in Mount Vernon for the May term of court in 1896, the chief justice announced, “Court is convened for the purpose of receiving resolutions and hearing such remarks as may be made by the bar upon the death of Judge Koerner, formerly one of the justices of this court;” and the publishers of this volume feel that they can best present an account of his life work by quoting freely from the speeches made on that occasion by men who were associated with him in professional and public life, who were familiar with his splendid accomplishments, who admired him for his ability and his virtues, and who now cherish his memory as one who made the world better by his having lived.

“Gustavus Koerner, our departed professional brother, was born November 20, 1809, at Frankfort-on-the-Main, a free city of Germany, and died at Belleville, Illinois, April 9, 1896.” Thus began Judge James M. Dill, who continued as follows: “His father, Bernard Koerner, was a public-spirited citizen, a member of the legislative council of that city, and by occupation a publisher. Young Koerner was a student at Heidelberg in 1832, when the public mind of Germany was stirred and agitated by sympathy with the revolution of 1830, which dethroned Charles X, and made Louis Philippe his successor as king of France—just as Germany, eighteen years afterward, in 1848, was again stimulated to political reform by a revolution which paved the way to the present French republic. The former revolution made Judge Koerner, with many of his associates, an exile from his native land and a citizen of America. While a student, and but little past his twenty-first year, he became a member of a secret political society called the ‘Burschenschaft,’ composed largely of university students, and in the outbreak of this society on the 3d of April, 1833, in Frankfort, he was wounded. This attempt at revolution was vigorously suppressed by overwhelming military power, and our hero sought, and after many vicissitudes found, safety in the land whereof Byron writes, ‘One freeman more, America, to thee.’ In the same year he settled in St. Clair county, where he lived for a period of sixty-three years,—nearly all the time in Belleville.”

Speaking of his emigration to America, Frank A. McConaughy said: “Of all those who have sought our shores since the foundation of our republic,

Koerner belonged to a class who have contributed most toward the advancement and perpetuation of our free institutions. Thrown off their own shores by revolutionary upheaval brought on by their struggles for liberty, they came unpelleted by a single sordid hope or desire for pecuniary betterment of their fortune's estate, but a genuine love of freedom. They gathered the scattered remnants of their fortunes—their cherished Penates—and came to us, sacrificing friends, family, home, their social positions and the yearnings of their ambition. Like the patriot and poet who bore Koerner's name a score of years before, his restless sword ever irresistibly left its scabbard at freedom's every call,—there, in the land of his nativity, and here in the land of his adoption."

Judge Koerner's business relations connected him prominently with the bar of the state. He had won the degree of LL. D. from the historic University of Heidelberg, and after taking a diploma from the Lexington Law School, he entered upon the practice of his profession,—first in partnership with the late Adam W. Snyder, and afterward with the late James Shields, and continued this practice in conjunction with his son, Gustavus A. Koerner, almost down to his very last day. Said Marshall W. Weir: "He brought to the practice of his profession a mind thoroughly trained in the broad, underlying principles of law. He was more than a lawyer. He had attained the lofty conceptions of law had by the old Roman lawyers. They looked upon law as a branch of ethics whose foundations lay in ripe reason and the unalterable feelings of human nature. They believed it was as Cicero had portrayed it,—not a thing thought out by the ingenuity of man, not a decree of the people, but an eternal entity, coeval in its origin and harmonizing in its operations with the divine mind; that it was the recorded morality of a nation,—a rule of social duty not less than that of civil conduct; that it was the sacred embodiment of the public will and understanding; the unanimous assent of a great people to the principles of a refined equity and enlarged benevolence, reduced to practice in the daily concerns of life with the precision, consistency and uniformity of an exact science. He did not relax his studies on being admitted to the bar. He was eminently conspicuous for his legal ability, and for sixty-three years was an active practitioner in the courts of Illinois, being at the time of his death the oldest practicing lawyer of the state. His legal lore covered every department of the science of jurisprudence, and he won distinction at the bar among men of national reputation, including Lincoln, Douglas, Trumbull, Shields, Breese and Palmer. Those who practiced with him well knew and appreciated the subtlety and profundity of his intellect, its logical compactness and the learning which illustrated his discourses. Ten years after the admission of Gustavus Koerner to the bar, on April 2, 1845, he was appointed by the governor of the state a justice of the supreme court, in place of Justice Shields, who had resigned, and on December 19, 1845, he was elected by the general assembly to fill the same office. He retired from the bench in September, 1848, upon the reorganization of the judiciary of the state under the new constitution that was adopted by the people in that year. Thus he was a justice of this court for a period of about three years and a half. The opinions that he wrote in-

dicate that he was an educated lawyer and an able and just judge. The state was then in its infancy; the courts had established but few precedents; the questions that arose were largely questions of first impression, and the labors of the justices were both difficult and responsible; and it may be said of Justice Koerner that he well performed the work of establishing precedents for his successors."

Mr. Dill, in speaking of this period of his life, said: "Few persons outside of the legal profession have any adequate conception of the labors imposed upon a minister of justice. So vast, so varied, so complex are the affairs of a civilized community, that he who sits as a final arbiter of the law must necessarily assume responsibilities of the greatest character. Uprightness of character, purity of motive, breadth and depth of culture, a complete comprehension of underlying principles, and, withal, a patient, painstaking industry and a thorough mastery of details, are essential requisites and qualities which must be possessed by the judge of the court of last resort. The sources of the law are numerous,—civil, common, ecclesiastical and statutory,—forming, when properly understood, a harmonious whole. Legislators, composed mainly of raw recruits from the people who have devoted comparatively little time to the study of statecraft, find it an easy matter to make and unmake the law. Abstract theories and propositions are easily stated. It is much easier to prescribe than to take, easier to cut out than to fit, easier to hew the timber than to frame it together. The temple of justice is a structure of manifold proportions and apartments, but of exquisite beauty and symmetry,—the growth and production of ages,—built upon the solid masonry of wisdom and experience. New material cannot be put as patchwork into the edifice. It must be labored into proper shape, so as not to mar the beauty of the structure. This labor must be performed by courts of last resort. It is, indeed, a herculean task. He who devotes his life to this great labor and does his work with the skill and ability of a master has won his claim to the gratitude of men. Other callings may present greater attractions and open broader avenues of fame. The leaders of armies, the possessors of the divine gift of eloquence, politicians and men of genius in literature may attract a larger share of popular applause, but certainly none do more for the real cause of humanity than the hard-working, pure-minded judge."

While a justice of the Illinois supreme court, then composed of nine justices, who held, by assignment, the circuit courts after the old English system of *nisi prius*, Judge Koerner held the circuit court at Belleville. Before him came the slave case of Harry Beard against Vital Jarrot, which involved the question whether Illinois was a slave state. The jury decided by their verdict that the plaintiff was a slave, as did two subsequent juries,—verdicts inspired by the same pro-slavery prejudices which ten years afterward dictated at Washington the Dred Scott decision. The first of these iniquitous verdicts Judge Koerner promptly set aside, and in doing so he displayed, in spite of popular prejudice, a manly independence and fearlessness rising to heroism. He broke with his party on the question of slavery, and became a most efficient supporter of Lin-

coln and the war. He may be called the creator of the gallant Forty-third Regiment, which did such splendid service in the field. He served for a time on the staff of General Fremont and did a work there the importance of which was known and recognized only by his immediate associates. In 1842 he was elected to the legislature of Illinois, where he first attracted the attention of Abraham Lincoln. When the latter became president of the United States he paid tribute to the ability of Judge Koerner by appointing him minister to Spain, a position which he filled with marked ability and to the full satisfaction of both Seward and the president. As lieutenant governor from 1852 to 1856, he presided over the deliberations of the state senate. July 1, 1871, he was appointed, by Governor Palmer, a member of the railway and warehouse commission, and he was chosen its chairman, resigning at the expiration of two years. He interested himself in the Soldiers' Orphans' Home, at Normal, Illinois, just after the war of the Rebellion, becoming president of the board of trustees and taking a very active interest in the institution.

Judge Koerner was one of the most scholarly men ever connected with the judicial history of Illinois. He was familiar with the literature of Europe and America. He was a master of at least four great languages—the Latin, the German, the French and the English—and, like Gladstone, one of his favorite pastimes was the reading of the Iliad in the language of Homer. He could repeat from memory, in the Greek tongue, perhaps more than half of the great poem, and while at Madrid held consultations with the Spanish minister of justice in the Latin language, for the reason that the Spanish minister could speak neither French, German nor English, and our minister could not speak Spanish or Italian. He was more than a mere student of languages. On the contrary, he used them as a skilled mechanic uses his implements. They were to him a means, not an end. He was not only familiar with the thoughts and inspirations of Europe and America, but he was, to a perceptible extent, an inspirer, a creator and a framer of them. The productions of his laborious pen were read and studied in both Europe and America. His reading embraced every branch of learning,—law, history, politics, biography, science, and belles-lettres. In the Open Court of Chicago there latterly appeared from his pen the most discriminating criticism that the public has seen of the celebrated novel Trilby. Only a few months ago he gave to the world the very best exposition and explanation of the Monroe doctrine as it was understood by its authors, James Monroe and John Quincy Adams. He was deeply interested in the cause of education and the uplifting of the people. Some who did not know him well, thought him, perhaps, exclusive and aristocratic in his ways, but he was not. That thought was but the tribute instinctively paid by less favored minds to his superior endowments. He was especially interested in the Belleville public library, was one of its founders and from its establishment to the day of his death served constantly as president of the board of directors. It is not known even to those who knew Judge Koerner best and most intimately what hopes, if any, he may have entertained concerning the mysterious realm beyond the grave. If such there were they were



LYMAN TRUMBULL.
THOMAS DRUMMOND.

NINIAN EDWARDS.

DANIEL P. COOK.
WILLIAM H. BISSELL.

never intruded on others, nor did he intrude upon or question such hopes or beliefs in others. That liberty, in this as in all things, which he demanded for himself he fully accorded to others. He was a kind and courteous gentleman in his intercourse with both the bench and bar. He was thoroughly honest, conscientious and reliable, and known to be so by the courts, by his brother lawyers, by his clients and by his fellow citizens. He well and nobly performed all the duties that devolved upon him as a lawyer, as a judge, as a citizen and as a man. His qualities of heart and head made him great. No one who ever knew him can fail to revere his memory. Thus, full of years, of honor and usefulness, his life is finished. Like Newcome, the most superb character in the greatest English fiction, to the last call he has made the last response, "Adsum."

Lyman Trumbull was born October 12, 1813, in Colchester, Connecticut. After receiving his education he went to Georgia, where he spent some time as the principal of a school. He came to Illinois in 1837, was admitted to the bar, and commenced the practice of the law at Belleville. The writer formed the acquaintance of Mr. Trumbull in 1839.

Mr. Trumbull was active in politics, and was appointed secretary of state by Governor Carlin. He was a candidate for congress, but was defeated. In 1855 he was elected to the United States senate, and was re-elected in 1861 and 1867. Mr. Trumbull was elected an associate justice of the supreme court on the 4th day of December, 1848, and held that office until July 4, 1853, when he resigned. He was elected to congress in 1854, but had not taken his seat when elected to the senate.

Davidson and Stuve say: "When Douglas was elected a supreme judge, in 1841, Governor Carlin, resisting legislative dictation, appointed Trumbull to the vacant office of secretary of state, over McClernand, but he came near being defeated in the senate by the latter and his friends, out of which grew some ill feeling.

"At the opening of Governor Ford's administration he incurred the displeasure of that functionary by opposing his policy towards the state banks, causing his dismissal from office. The same year, and the following one, he sought the congressional nomination in the Belleville district, but failing, upon the meeting of the legislature he aspired to the senatorial nomination, against James Semple, the governor's appointee, and failed again. In 1846 his name appears among the candidates for governor, but he failed, through the influence of Governor Ford and on account of his opposition to the canal. He immediately sought and obtained the candidacy for congress in the Belleville district, but was defeated by over two thousand majority, though the district was largely Democratic.

"As a politician Trumbull lacked that hearty and cordial geniality of manner which wins popularity among the masses. His intercourse with the people, if not formal, left the impression of reserve, and his nature was rather repellant than magnetic.

"But no such advantage obtained with him in regard to politicians. Over such as might be reached by the force of intellect he ever exercised a large in-

fluence. However, after these repeated trials for place, in 1848 he was elected one of the supreme judges under the new constitution, which office he resigned July 4, 1853, on account of insufficient salary.

"By nature, study and habit he was admirably fitted for the bench. With a mind strong, clear and penetrating,—a mind which, while it inclined to detail, never lost its broad grasp of principle,—he was capacitated for great eminence. He was an able, searching and comprehensive constitutional pleader. He was ever a strenuous and ultra Democrat, but in 1854, unable to brook the repeal of the Missouri Compromise, he opposed his party upon that question and was, in November, elected to congress as an 'anti-Nebraska Democrat,' which place he resigned to accept the senatorship."

Governor Ford, in speaking of his act for putting the state bank into liquidation, and in stating that it passed the house of representatives, says that "In the senate the whole out-door opposition was let loose upon the bill. Trumbull took his stand in the lobby and sent in amendments of every sort to be proposed by Crain of Washington, Catlin of St. Clair and others. The mode of attack was to load it down with obnoxious amendments, so as to make it odious to its authors, and Trumbull openly boasted that the bill would be so altered and amended in the senate that its framers in the house would not know their own bantling when it came back to them. From this moment I determined to remove Trumbull from the office of secretary of state. From the nature of his office he ought to have been my confidential helper and adviser, and when he found that my course was against his principles (if really it was against them), he ought to have resigned. * * * Judge Douglas, notwithstanding he had advised the measure before the finance committee, voted against it in the council." We do not recount these facts for the sake of reviving old controversies, for the parties to them have all passed away, except General McClelland.

Mr. Trumbull was afterward elected to congress upon the issue of the Nebraska bill, and was elected to the senate on the 8th of February, 1855, the writer, being a member of the state senate, having placed him in nomination as an anti-Nebraska Democrat.

Davidson and Stuve say (Illinois History, page 689): "James Shields, the regular Democratic caucus nominee, was placed in nomination by Mr. Graham; Abraham Lincoln, the idol of the old Whigs, and strongly anti-Nebraska, by Stephen T. Logan; and Lyman Trumbull, the nomination of less than half a dozen anti-Nebraska Democrats, by John M. Palmer. * * * Fifty-one votes were necessary to a choice on joint ballot. On the seventh ballot Shields was out of the field, and Governor Matteson, being substituted, received on the eighth ballot forty-six votes,—the utmost strength of the Nebraska Democracy. On the tenth ballot Mr. Lincoln's name was withdrawn, and the Whig vote being concentrated on Mr. Trumbull he received fifty votes direct, and before the result was announced Mr. Waters changed from Williams to Trumbull, electing him by just the requisite number. Neither persuasion nor menace could intimi-

date the Trumbull phalanx of five. Such was the manner of the first election of Mr. Trumbull to the senate of the United States."

Davidson and Stuve add in regard to Mr. Trumbull: "His record in congress, which is national and not our province to give, stands very high. He was for many years the able chairman of the judiciary committee, and there are few congressional acts of importance but what bear the impress of his far-reaching mind. As an orator he is devoid of imagery and ornateness of diction, but as a close, clear, compact and systematic thinker, with an excellent memory, a wide acquaintance of public affairs and an extensive knowledge of the law, he was the most formidable debater of the august senate. As a practical expounder of the principles of his party he eclipsed Mr. Seward. He ever has been a hard student."

In 1865-6 it became an interesting question to determine the status of the freedmen,—the negroes. Attempts were made in congress and in several state legislatures to define their rights specifically. The writer, who was then commander of the Department of Kentucky, being much interested in the subject, prepared a bill enumerating the rights to be conferred by law upon the freed people, and also a petition to the Kentucky legislature. While preparing the petition and bill it occurred to him that the whole effect could be accomplished by an act of congress, and he addressed to Mr. Trumbull the following letter:

Headquarters Department Kentucky.
Louisville, Ky., Jan. 4, 1866.

Hon L. Trumbull,
My Dear Sir:

I enclose you a copy of a petition which is being extensively circulated for the signatures of the colored people of this city, and will be presented to the Kentucky legislature.

I prepared the paper for them as a quiet, modest demand for the recognition of the essential rights of the freed people, seeking to avoid language which could be tortured to the purposes of prejudices and at the same time escape the disgraceful imputation of servility.

Still, I have such moderate hope that it will be favorably received by the legislature, that I have advised them to look to congress, and have prepared a petition for its consideration. You will perceive that the first point presented by the petition is that of residence in the state, or citizenship, if that form of expression is preferred.

Chapter XV, Revised Statutes of Kentucky, in all its provisions limits citizenship to free, white persons. The law passed in pursuance of a requirement of the constitution compels, or is intended to compel, all emancipated persons to leave the state, and Article II, Chapter XCIII, Volume II, pages 386-7, declares that any free negro or mulatto who has since the 11th day of June, 1850, migrated, or who shall hereafter migrate, to this state with the intention of remaining there, shall be guilty of felony, and upon conviction shall be confined in the penitentiary for any period of time, not exceeding five years.

The whole article is like this in barbarity and injustice, and will, in some parts of the state, be rigorously enforced. I trust your bill, to which I have seen telegraphic references, in terms or in legal effect repeals these and similar laws. I suggest that they may be defeated by an act of congress declaring all persons of African descent born in any of the United States or any of the territories or in any place subject to the jurisdiction of the United States, to be citizens.

By the constitution of the United States congress has power to establish an uniform

rule of naturalization, and this power is exclusive of that of the individual states (Kent's Commentaries, Volume I, page 424; Second Wheaton's Report, page 269), and it is also true that congress has by law naturalized or citizenized certain peoples in gross (see act of congress of March 3, 1843, with respect to the Stockbridge Indians. Statutes at large, Volume V, page 647), and instances of collective naturalization by the treaty-making power are numerous,—in the case of the acquisition of Louisiana, April 3, 1800; the purchase of Florida, in 1819; treaty with Mexico, 1848; and by joint resolution of congress, as in the case of the annexation of Texas, March 1, 1845. If the freedmen are declared by law to be citizens the legal consequences of citizenship follow and defeat the injurious operations of the laws already referred to.

I am aware that there are many jurists and publicists who entertain the opinion that the freed people of African descent are now, in point of law, citizens of the United States. This may be the correct view of the subject, but there is a formidable array of authorities on the other side, and it is certain that the courts, if the question is left in its present state of doubt, will hesitate, falter, and decide both ways for years to come. A few words of legislation will remove all doubts, and, what is more, will place the colored race in the class of free men whose political and legal rights are so carefully secured and guarded by many provisions of the federal and state constitutions.

I attach great consequence to this idea, for most of the oppressive legislation of the states proceeds upon the theory that negroes are not members of the political society and are not referred to or protected by constitutional provisions. They are elaborations of the amiably expressed, but damnably conceived, doctrine that we find so often in the resolutions adopted by meetings of those political bastards who call themselves Democrats, that 'this is a white man's government,' which means that a thief may be a Christian if he only steals from a negro. * * *

At the opening of congress in December Mr. Trumbull himself had introduced a bill in which he attempted to enumerate the rights to be conferred upon the negro, but accepted the suggestion of citizenship and introduced the civil-rights bill by an amendment to his own.

The relations between the writer and Mr. Trumbull continued to be friendly, and even intimate, until the closing years of his life. He voted against the impeachment of Andrew Johnson, and in that way separated himself from the Republican party. He was the Democratic candidate for governor in 1880, and was defeated by Governor Cullom.

Mr. Trumbull's last appearance in the supreme court of the United States was in defense of persons who were found guilty of contempt by Judge Woods. Mr. Justice Harlan said of the argument of Judge Trumbull "that if the premises had been conceded the argument would have been irresistible." He died at his home in Chicago on the 10th day of July, 1896.

Onias C. Skinner was elected a judge of the supreme court June 4, 1855, vice Samuel H. Treat, and served until April 19, 1858, when he resigned—shortly before the expiration of his term. He was a sound, able lawyer, and popular as a judge, gaining eminence by his excellent service on the supreme bench.

Pinckney H. Walker had served on the circuit bench in Pike county prior to 1858, in April of which year he was appointed to succeed Skinner as a justice of the supreme court. In the succeeding year he was elected for the full term, and was re-elected, dying February 18, 1885, only four months prior to the



John M. Scott

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expiration of his second term. Judge Walker was a native of Kentucky, whence he came with his father to Illinois, among the first settlers, locating in McDonough county. His early educational advantages were necessarily limited by the environments of the time and place, but a strong determination, added to pronounced intellectual powers and good health, carried him over all the educational wants of the times and gave him a fair position as a scholar. He was a thorough student of the law and a safe counselor. His home was at Rushville.

Judge John M. Scott, the subject of this memoir, was born in August, 1824, in the county of St. Clair, Illinois, and had the distinction of being the first native citizen to become a member of the supreme court of Illinois. His ancestors in the paternal line were Scotch-Irish, in which fact he took great pride, being a constant attendant of the Scotch-Irish congress and one of the vice-presidents of the society. He had many of the characteristics of that sturdy, fearless and talented race of men. His mother, whose maiden name was Nancy Biggs, emigrated from Virginia to Illinois at a very early day, and was identified with the first settlement of the state. His mother, as a child, passed through that fearful ordeal incident to the struggle between civilization and barbarism as manifested in the massacres and wars between the Indian and white man. Educated in that school of suffering and danger, in common with her many other good qualities of head and heart, she became a woman of heroic mold and well worthy to perform the delicate trust of training children to a courageous discharge of duty. His father was in comfortable circumstances and afforded his son all the facilities which a new country offered for procuring an education.

Having, in connection with his attendance at school, availed himself of the advantages of private tuition, he acquired an accurate knowledge of the English branches, besides a fair knowledge of Latin and the higher mathematics. The bar at Belleville in the early history of the country was the ablest in the state, and well calculated to fascinate the mind of a young man with the profession of the law; and that, in connection with a natural taste for the bar, induced him to read law, in the office of Messrs. Kinney & Bissell, then among the most accomplished lawyers in the west. Like many others who have acquired distinction at the bar and on the bench, as preliminary to his career as a lawyer he devoted some time to the profession of school-teaching. He studied the elementary books of the law with industry and diligence, and thereby acquired a knowledge of legal philosophy which, through his life both as a lawyer and judge, fitted him to deal with the law as a science and not as a mere aggregation of arbitrary rules. Upon his admission to the bar, in 1848, he removed to McLean county, where for a half century he resided, discharging during that time some of the highest functions of a citizen of the state. At the time he became identified with the McLean county bar, lawyers of distinction were among its members. Judge Davis and General Gridley were of the local bar, and Abraham Lincoln and John T. Stuart were among the non-resident attorneys who attended the courts. While Judge Scott had every qualification for a successful trial lawyer, like his illustrious predecessor on the bench of the

circuit court, Judge Davis, he had a peculiar aptitude for the higher function of judge and from his admission to the profession the taste of his ambition inclined to the bench. He had but little trouble in securing his share of business, and was not subject to that anxious solicitude which often intervenes between coming to the bar and coming to a practice.

In 1849 he was elected school commissioner, and served in that office until 1852, superintending the educational interests of the county and distributing the money of the school fund. In the winter of 1852 he was elected to the responsible position of judge of the county court, which at that time not only had within its jurisdiction probate matters, but also all the public business of the county. In addition to his official duties and general practice he was the attorney of Bloomington, then recently organized as a city. From boyhood the Judge was a great admirer of Daniel Webster, and, as a result of that predilection, when he came to the years of manhood he was a Whig, and continued an ardent supporter of that party until its dissolution, 1852. Upon the formation of the Republican party he identified himself with that party, when it was struggling for an existence as a political organization. In 1856 he was nominated on the Republican ticket for the state senate, and made a most vigorous and able canvass for the defense of Republican principles, in a district largely Democratic in sentiment; and, although defeated, he reduced the majority to a point highly complimentary to himself. In this campaign he and Mr. Lincoln often addressed the same audiences, and between them there was the most cordial personal and political relations.

In the first years of the Judge's practice his clearness of thought, accurate knowledge of the law, services as county judge and his dignity of character directed the attention of the people and the bar to him as having the qualifications for higher judicial duty; so that in the year 1862, when Judge Davis became a member of the supreme court of the United States, Judge Scott was selected as his successor by a unanimity of sentiment on the part of both the bar and the people. He did not, in the administration of his office as judge of the circuit court, disappoint the expectations of his most sanguine friends, and at the end of the unexpired term of Judge Davis he was re-elected without opposition. He held the circuit court in the eighth district, during the most troublous times of the civil war, and was called upon, in the discharge of his duties, to repress the violence of both sides, which he did with a fearlessness and courage worthy of the best age of the judiciary.

In the year 1870 a constitutional convention was held, and on the 2d of July, that year, the constitution formed by that body was adopted, which made it necessary to elect additional members of the supreme court. This district of which McLean county formed a part was entitled to one of the new judges and embraced within its limits the central portion of the state, commencing at Tazewell county on the northwest and running to Edgar on the southeast. Embracing as it did Sangamon and other large and populous counties of the state, it necessarily had some of the leading members of the profession. When it was known that there would be an increase in the membership of the supreme

court, the public mind was directed to Judge Scott as well worthy of the exalted position. This was especially so among the lawyers of the district; and in June, 1870, a convention of the bar was held, and although some of the leading jurists of the district and state were candidates, Judge Scott was chosen by the convention, and in July, 1870, he was elected a judge of the supreme court for the term of nine years.

At the time he became a member of that court many questions of importance to the prosperity of the state and the people were pending in the supreme and circuit courts, incident to the extraordinary development of the railroad interests of the northwest; and Chicago, with its complex and diversified characteristics, its extraordinary and sudden growth, and its many schemes of speculation and trade, made the supreme court of Illinois one of the most important courts of the United States. Outside of the state of New York it may be safely assumed that for importance of litigation and for questions of difficult solution, no other in the Union presented a field more fruitful in legal contention than the state of Illinois. At the time Judge Scott became a member of the court he was in the prime and vigor of his life, and had acquired at the bar and on the bench a capacity for legal information which fitted him to deal intelligently and ably with all the questions which came before the court. He was identified with the judicial history of the state for a period of nearly fifty years,—as a lawyer and as a county, circuit and supreme judge. His name first appears in the third volume of Gilman's Reports as a practicing attorney, and his opinions extend from the fifty-fourth to the one hundred and twenty-sixth volume of reports as a judge of the supreme court. At the end of his first term as a justice of the supreme court he was elected, in June, 1879, by a very large majority over one of the most accomplished lawyers of the state. His second term expired in June, 1888, when he declined a re-election, having served for a period of eighteen years, with marked ability and to the entire satisfaction of the people and the bar of the whole state.

During those eighteen years he served as chief justice three terms, and was the first native-born citizen of Illinois who held that responsible and dignified position. During the eighteen years which he held the office of a justice of the supreme court the litigation was larger, more complicated and important than in the fifty-two years which intervened from the admission of the state to the year 1870. The legal controversies of the citizens had changed from the simple questions of law, which were the subjects of judicial discussion and determination in the early history of the state, to questions more abstruse and difficult, depending upon more enlarged, involved and complex conditions of fact. The law-suit of 1870 and that of 1820 in the supreme court of the state were very different as legal controversies. In later years immense records had to be examined and digested in order to present the whole case and fully develop the real issue to be determined.

In the power to master a voluminous record, and to eliminate the immaterial matter of a legal proceeding, Judge Scott had great ability, as shown in his numerous opinions upon almost every conceivable subject of human con-

tention. A supreme court of the state is much more diversified in its jurisdiction than the supreme court of the United States for the reason that it is the court of final jurisdiction for almost every wrong which can be committed and for every right that can be protected. Subject to the limited jurisdiction of the supreme court of the United States, it is the court of final resort which settles, by the authority of law, the many contentions and disputes incident to men as they form human society. During his term of service the labors of the court extended through seventy-three volumes of reports, so that it may be safely assumed that his contribution to the body of judicial law of Illinois is as large and important as any member of the supreme court at any period in the history of the state. His services in the supreme court covered a period which may be called formative as to some of the material interests of the state, and from which important litigation originated, as the park systems of Chicago, the railroad and warehouse commission, the modified special assessment methods, and the many questions of corporation law growing out of, and dependent upon, the adoption of the new constitution.

The protection of the life and liberty of the citizen is the most important and delicate trust committed to the jurisdiction of a court; and one of the leading opinions of the court on that subject was written by Judge Scott in the case of *Ker versus the People of the State of Illinois*, reported in the one hundred and tenth volume. The question presented by the record was one new and novel, and called for the highest and best resources of judicial reasoning in the determination of legal questions made by the facts. The defendant, Ker, committed the crime of embezzlement and larceny in Chicago, as the cashier of a bank, and fled to Peru. At the time that country was in military possession of the Chileans, and it was practically impossible to proceed under the treaty for his return. Owing to the condition of the country, the defendant was taken by force, placed on board a United States ship-of-war and brought back to the United States. When he was arraigned in the criminal court of Chicago he pleaded in defense the illegality of his arrest and extradition. The court below sustained a demurrer to the plea, and the case, upon the correctness of that decision, was appealed to the supreme court. The court, in a very able opinion delivered by Judge Scott, sustained the decision of the criminal court, and from that decision an appeal was taken to the supreme court of the United States. The state court said, "A fugitive from justice has no asylum in a foreign country when he is guilty of an offense for which he is liable or subject to extradition by treaty between this and the foreign country. If he is illegally and forcibly removed from such country, that country alone has the cause of complaint, and he cannot complain for it." In the decision of the supreme court of the United States it is said: "The treaties of extradition to which the United States are parties do not guarantee a fugitive from justice from one of the countries an asylum in the other. They do not give such person any greater or more sacred right of asylum than he had before." It will be seen that the line of argument pursued by Judge Scott in the supreme court of Illinois was, in substance, followed by the supreme court of the United States; and by a series of

uniform judicial determinations the law upon an important question of individual liberty and international right was settled, as far as it can be settled by the decisions of the highest courts of one nation.

In the case of *Lenfers versus Henkle* (Seventy-third Illinois Reports) the supreme court of Illinois was called upon to decide a question which, up to the time of the decision, had never been passed upon by any court, either in England or the United States. The controversy relates to the dower interest of a widow in the mineral or mining lands of the husband. Judge Scott delivered the opinion of the court on the question involved in a remarkably clear, original and well reasoned argument, showing his ability to deal with questions upon the broad ground of original thought, unaided by express authority. During his term of service in the supreme court he wrote many opinions upon the subject of municipal taxation and the law of real-estate property growing out of the great value of land in Chicago; but the compass of this article will not permit special reference to them. They will stand as limitations to and qualifications upon municipal authority and the law of realty throughout the entire history of that state which has to deal with the most remarkable municipal corporation that has ever appeared in the history of time.

The Judge had great respect for the dignity of judicial place and power, and no man ever presided in a court with more respect for his environments than did Judge Scott. As the result of that personal characteristic the proceedings were always orderly upon the part of every one—audience, bar and the officers, from the highest to the lowest. His opinions are fine specimens of judicial thought,—always clear, logical and as brief as the character of the case will permit. He never enlarged beyond the necessities of the legal thought in order to indulge in the drapery of literature.

His mind during the entire period of his course at the bar and on the bench had been directed in the line of his profession and his duty, and as a result he did not give much time to speculation and money-making; but by the judicious investments of the reward of his toil he was eventually placed in independent and prosperous circumstances.

He was the owner of many fine farms in the vicinity of Bloomington, and to the care of these he devoted considerable attention, renting them to good tenants at no more than one-half the ordinary rent of other farms of like improvements and situation. He took great delight in the success and welfare of his tenants, and as an inducement to them for their toil he gave them the lowest rent he could afford.

During his term of service as county judge, in the year 1853, he was married to Miss Charlotte A. Perry, daughter of Rev. David J. Perry, of Bloomington. His marriage was most happy. Mrs. Scott is a lady of culture and refinement, and enjoys with grace and without ostentation the assured place given her by the public service and life of her husband. They had two children, who died in infancy, but to an adopted daughter they ever devoted the most fervent attachment.

The Judge was a man of fine literary taste, and as a result of that inclination

he accumulated one of the choicest libraries in central Illinois, abounding in books of standard quality and highest excellence of authorship. His tastes were simple, but refined and delicate, and whatever he had was of the best quality. After his retirement from the bench his time was devoted to looking after his private interests and to the enjoyment of his home and library. Conspicuous among the many good traits of his character was his fearless devotion to whatever came within the pale of public or private duty. He had moral courage fit for any emergency, and although he was always a pronounced Republican, he was without partisan prejudice, and in his candidacy he was supported with enthusiasm by many leaders of the opposition. He had been for many years a devoted member of the Presbyterian church, and a constant attendant upon its ministrations. His judicial term, extending through twenty-six years of uninterrupted success, was an honor to the state, and his character as a man is well worthy the admiration of the whole people.

In the fullness of years and honors Judge Scott entered into eternal rest, January 21, 1898, at his home in Bloomington, leaving a name that will be revered for all time in the great state which he dignified and honored by his noble character and high accomplishments.

William K. McAllister was an incorruptible jurist, an excellent lawyer and a citizen of high standing. He was born in the state of New York in the year 1818, and was reared on a farm. He received a collegiate education, read law and practiced that profession for ten years in Albion, New York. In 1854 he removed to Chicago and was but a short time in securing a large clientele. In 1868 he was elected judge of the recorder's court of the city, in which capacity he displayed such ability that he was elected a justice of the state supreme court in 1870—a position of honor more than of pecuniary reward. He resigned to accept the office of circuit court judge of Cook county and by repeated re-election was continued on that bench until his death, which occurred October 29, 1888. In 1879 he was appointed by the supreme court as one of the circuit judges to hold the appellate court for the first district, a position he filled for the remainder of his life. As a lawyer he possessed a logical, common-sense eloquence which, in his practice before juries, proved more successful than all the tricks of the insincere and more pretentious orator.

Alfred M. Craig.—On this gentleman the highest elective judicial honors within the gift of the people of Illinois have been conferred. For a quarter of a century he has been a member of the supreme court, and his present term will extend to the close of the century. His name is therefore inseparably associated with the history of jurisprudence in the state, and his career has conferred honor upon the commonwealth that has so honored him.

Judge Craig was born January 15, 1831, in Paris, Edgar county, Illinois, his parents being David and Minty Craig, the former a millwright and farmer. He completed his literary education by a course in Knox College, of Galesburg, Illinois, in which institution he was graduated in June, 1853. Immediately afterward he began the study of law in the office of Hon. William C. Goudy, of Lewistown, Illinois, and in 1854, after his admission to the bar, began practice in

Knoxville, Illinois, where he soon acquired a large and lucrative clientage, which **also** extended into adjoining counties. When elected to the bench he had the **largest** practice of any lawyer in that section of the state, and every important **litigated** interest found him as counsel for the defense or the prosecution. He **stood high** at the bar, and his opinion, even in the early days of his professional **career**, was esteemed equal to that of the old savants in the law; and his great **earnestness** and force of manner gave him an almost irresistible influence over a jury. He has a mind of peculiar analytical power which enables him to separate the **non-essential** from the essential in the evidence produced, and to apply to the **latter** the principles of law which bear on the case. His legal knowledge is **profound**, and the intricate problems of the court of last resort are mastered by him with a readiness that shows exceptional wisdom.

Judge Craig's first official service began in 1862, when he was elected to the bench of Knox county, whereon he served four years. In 1870 he was elected a **delegate** from that county to the state constitutional convention, and his knowledge of constitutional law and his understanding of the needs and conditions of the commonwealth made him an important factor in framing the **organic** law of the state. Each public service, so well and ably performed, brought him greater respect, admiration and public confidence, and he was still more **honored** in 1873, when elected to the supreme court, of which he has since been a **member**. Twice re-elected,—in 1882 and 1891,—he is still a member of that **high** tribunal. Upon the just execution of our laws depends the weal or woe of the state, and those who are called to high judicial service are men in whom the people have great confidence, while re-election always indicates faithful service, unwavering integrity and a fairness which is above question. The fact that Judge Craig has for twenty-five years been a member of the supreme court of Illinois is a circumstance which needs no favorable comment from the historian; it speaks for itself.

In Knoxville, Illinois, Judge Craig married Miss Elizabeth P. Harvey, daughter of C. K. Harvey, a lawyer of eminent ability in his profession. They have two children, Dr. H. A., who was born in 1860; and Charles C., who was born in 1865, and is now practicing law.

In addition to his professional duties Judge Craig has been interested to some extent in banking, and also has extensive agricultural interests. In his private life he is distinguished by all that marks the true gentleman. He is one who subordinates personal ambition to public good and seeks rather the benefit of others than the aggrandizement of self. Well versed in the learning of his profession, and with a deep knowledge of human conduct, with great sagacity and tact, he stands to-day with few equals at the bar of Illinois.

T. Lyle Dickey, whose name is prominently connected with the history of Illinois—as a lawyer, a jurist and a soldier—was born October 2, 1811, in Paris, Bourbon county, Kentucky. In 1826, at the age of fifteen years, he entered the Ohio University, where he continued his studies four years, after which he entered the senior class of Miami University, where he graduated with honor, in

1831. December 6, 1831, he married Miss Juliet Evans, and after his marriage taught school, with great success, in Ohio and Kentucky.

In the winter of 1834 he removed to McDonough county, Illinois, where he made the acquaintance of Hon. Cyrus H. Walker, who induced him to begin the study of law. His progress in this line was so marked that he practiced law at Macomb before he was regularly admitted to the bar, and attained considerable renown. In 1835, at the age of twenty-four years, he was duly admitted to practice in the Illinois courts. After this he removed to Rushville, where, in addition to legal business, he edited a thriving Whig paper. Here he became largely interested in real-estate speculations, which proved disastrous, owing to the panic of 1837, and many years elapsed ere he was able to entirely free himself from the large indebtedness forced upon him at this time. The intrinsic honor of his character is shown in the fact that he labored without ceasing until every creditor was paid in full. In 1836 Judge Dickey removed to Ottawa, Illinois, where he soon built up a large and lucrative practice as an attorney. He there remained until 1846, when he raised a fine company for service in the Mexican war. Of this organization he was chosen captain, but after the company had been attached to the First Regiment of Illinois Volunteers, he was compelled to resign his commission on account of ill health, and returned home and resumed the practice of his profession. He was elected a judge of the circuit court, the district comprising twelve counties, but after four years of judicial service he resigned, and again returned to private practice. In 1854 he opened a law office in Chicago, but continued his residence at Ottawa, and on the last day of the succeeding year he lost his wife, who died after a brief illness. In the year 1858 he resumed practice in Ottawa, and although heretofore an ardent Whig, ardently espoused the cause of Stephen A. Douglas in his famous contest with Lincoln, delivering a number of eloquent and forceful addresses in various parts of the state.

He became connected in business with W. H. L. Wallace, of Ottawa, and his son Cyrus E. Dickey, and the firm transacted a large legal business until 1861, when the Rebellion broke out. Judge Dickey immediately set about forming a regiment of volunteers, which was mustered into the service as the Fourth Illinois Cavalry, and the Judge was commissioned its colonel. For two years Colonel Dickey was an active and intrepid soldier. He took part in the capture of Fort Henry, and led the brilliant advance at Fort Donelson. At the battle of Shiloh he took an active part. Both of his sons and General W. H. L. Wallace were with him during this desperate struggle, and General Wallace was killed during the engagement. In 1862 he was appointed to the position of chief of cavalry on the staff of General Grant, and was placed in command of Memphis, Tennessee. He also participated in the battle of Iuka. After this he assumed command of the four brigades of cavalry in General Grant's army. He was engaged in a desperate encounter with General Pemberton, far in advance of his supports, for four days, on the retreat from Tallahassee. At one time he selected six hundred men and engaged in an extensive and successful raid through a region of country swarming with Confederate soldiers, and returned safely and

without losing a man. The celebrated raid of Grierson in 1863, during which the railroads around Jackson, Mississippi, were completely destroyed, was suggested and organized by General Dickey.

In the latter part of 1863 he resigned his commission and returned home, where he formed a law partnership with John B. Rice. In 1866 Judge Dickey was the Democratic candidate for congressman at large. In 1868 he was appointed as assistant attorney general of the United States, and had full charge of the government suits of the court of claims. His labors in that branch of litigation in the United States supreme court were performed with great ability and with undiminishing fidelity. He was frequently complimented by the judges of the supreme court for the thorough and able manner in which he performed his arduous duties.

He held this position about two years, when his health failed him and he resigned. In 1870 he married Mrs. Hurst, of Maryland, after which he returned to Ottawa and again began the practice of law. In December, 1873, he removed to Chicago and in December, 1875, was elected a judge of the supreme court of the state, to fill a vacancy. In 1879 he was nominated as an independent candidate, was elected and remained upon the supreme bench, his incumbency of this high office covering nearly a decade. He gained a distinct popularity and uniform respect. Possessed of wonderful memory, and with a remarkable power of analysis, his judgments were always received with profound consideration, and his opinions on important cases have generally been sustained. As a lawyer he was a most brilliant advocate. His arguments were lucid, logical and marked by an aptness of illustration that carried all the elements of conviction. In social circles Judge Dickey was a universal favorite, being genial, whole-souled and intellectual.

Judge Dickey died July 22, 1885, at Atlantic City, New Jersey, and the state lost an able jurist and eminent citizen. He left surviving him his widow and four children.

John H. Mulkey, formerly a justice of the supreme court of Illinois, was born in Monroe county, Kentucky, May 24, 1824. Family tradition says that the ancestry of the Mulkeys is Scotch-Irish and that the family was founded in America by a young Irish apprentice who ran away from his English master and came to this country about the middle of the eighteenth century. He located in the Carolinas and married a lady, of Scotch birth, whose acquaintance he had formed on the voyage to the New World. Some of the descendants of this couple established homes in Kentucky, others in Tennessee, and still others farther south. From the Kentucky branch of the family Judge Mulkey is descended. His grandfather, John Mulkey, was born January 14, 1773, and died December 13, 1844. He was a Baptist minister of some prominence in Kentucky, and, in connection with Barton Stone and others, was a forerunner of Alexander Campbell in the work of founding the Campbellite church. The Judge's father, Dr. Isaac Mulkey, was a physician by profession, and was married to Abigail Ragin, December 18, 1821, he being at the time less than eighteen years of age. They reared a family of nine children, of whom Judge

Mulkey was the second in order of birth. During his infancy the family removed from Monroe to Christian county, Kentucky, locating in Lafayette, where the father reared his family and practiced his profession until about 1848, when he was induced by his son, John H., to come to southern Illinois. He first made his home in Marion, but afterward removed to Ashley, where he made his home until his death, which occurred in 1884. He was a man of strong intellectual endowment, of rugged eloquence and some literary attainment, and ranked high as a country physician. He was the physician for the Stephenson family, to which Adlai Stephenson, the former vice-president of the United States, belongs.

Judge Mulkey spent his early boyhood days in Christian county, Kentucky, and when quite young went to Hopkinsville, the county-seat, where he learned the tailor's trade, of which acquisition he speaks with much pride. He then attended Bacon College, at Hopkinsville, for several years, acquiring a fair collegiate education, including some knowledge of the dead languages, particularly Latin. On leaving college he started for southern Illinois on horseback, in August, 1845, in search of employment as a school-teacher. Failing to secure a position, first at Vienna and then at Marion, he continued on his way to Benton, where he was employed to teach during the winter and spring terms. He was married in Benton, March 23, 1846, to Margaret, daughter of Larkin Cantrell, and for a year thereafter he continued to teach school. In the meantime the Mexican war broke out, and at the second call for troops he enlisted as a volunteer, entering the service in July, 1847, and being mustered out in July, 1848.

From 1848 until 1853, when he was admitted to the bar, Judge Mulkey's attention appears to have been engaged with a multiplicity of affairs. During that period he lived first at Benton, then at Blairsville, in Williamson county, and later at Marion. He farmed for a time near Benton, having entered one hundred and sixty acres of land from the government, on his return from Mexico. He also traded in stock to some extent, and locally acquired considerable reputation as an excellent judge of horses. He also engaged in merchandising in Benton and later in Blairsville, and also taught school for a time. During the two years immediately preceding his admission to the bar he read law during his leisure hours, from books loaned to him by Judge W. J. Allen, who was then a young practicing lawyer at Marion. Judge Mulkey was admitted to the bar at Marion, having been examined by Willis Allen, father of Judge Allen, his life-long friend and for many years his partner in the practice.

Judge Mulkey remained at Marion only a short time and then removed to Desoto, in Jackson county, where, as he expresses it, he "pettifogged" for two years. In 1857 he went to Cairo, where he remained until the flood of 1858, at which time he took up his residence in Duquoin. A year or two later he was elected circuit judge, whereupon he removed to Jonesboro, on account of its central location in the circuit. After serving on the bench for less than a year he returned to Cairo, and continued in the active practice in the courts of southern Illinois until June, 1879, with the exception of a short period when he served as judge of the court of common pleas at Cairo. During that time he

was associated as a partner with Judge Allen; with Samuel P. Wheeler, now of Springfield; with David T. Linegar and John M. Lansden, of Cairo. Judge Barr, of Carbondale, said of him: "I regard Judge Mulkey as the best all-around lawyer I ever knew,—that is, greater before both court and jury. Greater with the court for the reason that his knowledge of the law was greater than that of any nisi prius court in which he practiced, and the court and bar knew that it was the point of strictest honor with him never to knowingly misstate the law. When he attempted to state the law, if there was a doubt in his mind he invariably expressed that doubt to the court. He was greater with the jury because he knew better the turning point of his case than any other I knew, and came before it with a better preparation of the evidence, and had the strong, rugged, logical speech that was most convincing."

On the 2d of June, 1879, Mr. Mulkey was elected an associate justice of the supreme court of Illinois, and Judge A. K. Vickers, of Harrisburg, spoke of his judicial service as follows: "To my mind the quality which enabled Justice Mulkey to succeed both at the bar and on the bench to a degree rarely ever attained by lawyers or judges was his power to see further and deeper into abstract and close legal questions than others who may justly be called eminent jurists. He saw everything as it actually was. This quality might be properly called his mental reach or power of penetration, and was combined with a careful and painstaking mastery of every detail of fact connected with the case in hand; a power of analysis and a force of reasoning that was irresistible and convincing. These characteristics made him one of the greatest judges who ever sat on the supreme bench of Illinois. His opinion in the case of the Fort Dearborn Lodge versus Klein, et al., filed in Ottawa at the November term of court of 1885 and reported in 115 Illinois Reports, page 177, is in my opinion one of the ablest legal opinions to be found in the history of our jurisprudence."

Since his retirement from the bench, though frequently urged to do so, Judge Mulkey has never re-entered practice, except to a very limited extent. He wrote a brief in the famous Crerar will case, of Chicago, and another in a mandamus case for the Illinois Central Railroad Company. His time is now largely given to literary pursuits and the supervision of his farm. In 1884 he removed from Cairo to Metropolis, where he still resides. His first wife died June 2, 1871. By that marriage there were eight children. On the 25th of September, 1873, he was again married, his second union being with Kate House, who was born and reared in Metropolis. They have two children. In early life the Judge was a member of the Campbellite church, but after reaching manhood he held agnostic views for some years. In 1883, however, he became a communicant of the Roman Catholic church, and finds the greatest comfort and solace in the practice of its precepts.

Benjamin Drake Magruder.—It is the mission of law to formulate, to harmonize, to regulate, and to adjust and administer those rules and principles which underlie and permeate all government and society and control the varied relations of men. The judge is the minister of the law, and there attaches to the true jurist a nobility which can scarcely characterize any other public servant.

The judge who, as does Judge Magruder, reveres the law and holds it above every device of criminal or counsel, is more truly a benefactor to his race than can be any philanthropist, however wealthy and however generous; for in the simple performance of his duty he blesses mankind.

Benjamin Drake Magruder is a southerner by birth. His father, W. H. N. Magruder, was a graduate of Wesleyan University, Middletown, Connecticut, and a college professor. The future jurist was born September 27, 1838, in Jefferson county, Mississippi, and from an early age was a most apt and devoted student. Under his father's care he was prepared for college, and at fourteen entered as freshman at Yale, where, at eighteen (class of 1856), he was graduated fourth in his class.

After leaving college Judge Magruder taught school at Baton Rouge, Louisiana, and while so employed took up a course of reading in law, under the direction of Judge Elam, in that city. In due time he entered the law department of the University of Louisiana, at New Orleans,—then in charge of men of deep learning in the law, the broadest capacity and great eminence as lawyers, jurists and instructors,—from which institution he was graduated as valedictorian in 1858.

Judge Magruder began his professional career at Memphis, in September, 1859, and there held during the succeeding two years a responsible position, affording him much valuable experience, in the office of the master in chancery. He came to Chicago in 1861, fortified by a classical scholarship, generous reading and a practical knowledge of the practice of law, and formed a partnership with George F. Bailey, under the firm name of Bailey & Magruder, in which he attained much success and prominence. Later he was partner in the firms of Magruder & Norton, Magruder & Kerr, and Hervey, Galt & Magruder. In 1868 he was appointed master in chancery of the superior court of Cook county and achieved much distinction in that position, which he filled with the commendation of the bar and the public until 1885, meantime attending to a select general practice. In the year last mentioned he was elected one of the judges of the supreme court of Illinois, and during the year beginning June, 1891, served as chief justice of that court.

In this high position Judge Magruder was the successor of Judge T. Lyle Dickey, a man of unusual prominence and a lawyer and jurist of national reputation, a fact which, of itself, might have rendered his position embarrassing, and its difficulties were augmented by the equal division of the court on several important cases pending. The judges had arrayed themselves three against three, and Judge Magruder was required to decide these cases for the court. He assumed the responsibility with a calmness born of a conscious integrity, after having fully informed himself as to the law and the evidence in each case involved. Two opinions written by him, touching the validity of the election law, were handed down by the court during the April term following his election, and in these he sustained the constitutionality of the law in a course of reasoning which was accepted by the bar as sound, logical and convincing.

An opinion of unusual interest handed down by Judge Magruder was that

in the case of Cook county versus the Industrial School for Girls, to whose support a portion of the county funds had been diverted, in which he held that an institution under sectarian control had no right under the industrial act to draw from the county funds any portion of the sum necessary for its maintenance. The effect of this decision was to quiet agitation of the "school question," so far as it related to a diversion of the public money from the public schools solely under state supervision.

Judge Magruder's decision in the case against the Chicago Gas Trust Company, in which he laid down the principles that "whatever tends to prevent competition between those engaged in a public employment, or business impressed with a public character, is opposed to public policy, and therefore unlawful," and that "whatever tends to create a monopoly is unlawful, as being contrary to public policy," was of vast interest to the people, as opposed to trusts. Four companies in Chicago were engaged in the manufacture of illuminating gas, distributing it through the streets under chartered rights. The Chicago Gas Trust Company was organized with a nominal capital of \$20,000,000 and bought a sufficient amount of stock in each of these companies to control them all and destroy competition. In an opinion disposing of the case, brought to the supreme court on appeal, Judge Magruder denied the right of the trust to purchase and hold the stock of other gas companies as incidental to the main purpose of operating works for the manufacture and sale of gas to consumers.

The case of the appeal of Spies, Parsons and other anarchists, convicted of murder at Chicago, involved the foundations of government, the supremacy of law and the authority of the officials appointed to execute and administer the law; and the whole country, long stirred by the lawless acts of anarchists, culminating in riot and murder, awaited with intensest anxiety a decision by the supreme tribunal of the state. Judge Magruder wrote the decision of the court, in which he dispassionately reviewed the proceedings of the trial, affirmed their regularity and sustained the majesty of the law, and this decision allayed public passion and brought about an abatement of the excitement incident to the trial, without further menacing manifestations. No other case of so great popular interest has come before the court since Judge Magruder's accession to the bench.

His mental equipoise and judicial temperament qualify Judge Magruder for the calm and unprejudiced consideration of all questions, and he has too much respect for the principles and purposes of jurisprudence to decide important questions on mere technicalities and hypercritical issues. All such considerations he puts ruthlessly aside and rests his opinion on the substantial principles of law and equity involved. During his practice of nearly thirty years he acquired a broad and varied knowledge of the law as laid down in the books and construed by the judiciary, and while this is apparent in his every opinion, his judicial work is even more distinctly characterized by the incorruptible honesty which animates and illuminates it.

Judge Magruder was married in June, 1864, to Miss Julia M. Latham, of

Springfield, who has borne him a son and daughter. The family residence is at No. 7 Washington Place, Chicago.

Jacob W. Wilkin.—Among the able and prominent members of the legal profession who constitute the present supreme court of Illinois is Judge J. W. Wilkin, of Danville. He was born near Newark, Ohio, on the 7th of June, 1837, and is a son of Isaac and Sarah Wilkin. In his early life the father was a carpenter and contractor. He resided on a small farm in Licking county, Ohio, until 1845, when he removed to Crawford county, Illinois, where he carried on agricultural pursuits for many years. At the time of the removal the Judge was but eight years of age, and in the schools of Crawford county he acquired his preliminary education, which was supplemented by work in the classical course in McKendree College. His boyhood days were spent on his father's farm, and he was the fifth in a family of nine children, having two brothers and two sisters older and three brothers and one sister younger than himself. His parents were thrifty people, but their family was large and the children were therefore denied some of the advantages that might have fallen to them had there not been so many to share the patrimony.

Nevertheless the Judge spent a happy boyhood, although it was attended by some privations and hardships. His first step after leaving school was to enter the army, for the country was calling for aid to crush out the rebellion which threatened the destruction of the Union. He enlisted as a private and served for over three years, within which time he was promoted to the rank of captain, and he was mustered out in August, 1865, with a major's commission. He participated in a number of important engagements, and on the field of battle, on picket duty and in the camp manifested his loyalty to the old flag and the cause it represented.

After the close of hostilities, in accordance with the advice of his father, our subject entered upon the study of law in the office of the late Judge John Scholfield, of Marshall, Clark county, Illinois, and after his admission to the bar, in March, 1867, formed a partnership with his former preceptor, a relation that was maintained until Judge Scholfield's election to the supreme bench of the state in 1873. Mr. Wilkin continued an active member of the bar of Marshall until 1879, and in the earlier years of his professional career enjoyed a general country practice, trying all kinds of law-suits, most of the trials being by jury, and full of excitement and interest to both clients and lawyers. He practiced in several counties adjacent to Clark and met many able men in the Wabash valley,—representatives of both the Illinois and Indiana bar. His clear reasoning, logical deductions, familiarity with the law and precedents, his effective oratory, all enabled him to win many forensic victories, and it was his marked ability as a lawyer that led to his selection for judicial honors in 1879, when he was elected to the circuit bench. In 1885 he was re-elected to that office and was on the appellate bench of the fourth district from 1885 until 1888, in which latter year he was elected a member of the supreme court and re-elected in 1897.

His entire life has been devoted to his chosen profession, in which he has attained marked eminence. The only public offices he has held have been in

this connection. In politics, however, he has always taken a deep interest, and was an active worker in the ranks of the Republican party until his elevation to the bench, since which time he has withheld himself from active work, that no shadow of partisanship or prejudice may be cast by opponents upon his impartial discharge of duty.

In September, 1865, Judge Wilkin was united in marriage to Miss Alice E. Constable, daughter of Judge Charles H. Constable. She died in March, 1883, leaving three children: Harry O., who has business interests both in Portland, Oregon, and at Lake Lindman, Alaska; John Scholfield, who is engaged in gold-seeking in the Klondyke; and Jessie Bell, at home. Judge Wilkin afterward married Mrs. Sarah E. Archer, a daughter of Judge William Whitlock, who resided in Marshall. By her first marriage she had one son, W. W. Archer, who is now practicing law in Tacoma, Washington. He is married and has one child. Since 1885 Judge Wilkin has resided in Danville, coming to this city because it offered a broader field for his professional achievements. He is one of its most prominent and honored residents, and with his family enjoys the hospitality of the best homes in this part of the state.

For about thirty years Judge Wilkin has been a member of the Masonic fraternity and has taken the Knight Templar degree and the thirty-second degree of the Scottish Rite. He is also a member of the Knights of Pythias lodge, but while exemplifying the principles of these orders he has never been very active in the work of the lodge room. He belongs to the Methodist Episcopal church, of which his parents also were members, while two of his brothers were ministers of that denomination, Rev. E. D. Wilkin having been chaplain of the Twenty-first Illinois Infantry—Grant's first command—during the civil war. He died in Lincoln, Illinois, in 1885. The other brother, Rev. M. P. Wilkin, is now in the active work of the church in Havana.

A man of unimpeachable character, of unusual intellectual endowments, with a thorough understanding of the law, patience, urbanity and industry, Judge Wilkin took to the bench the very highest qualifications for this most responsible office in the system of the state government; and his record as a judge has been in harmony with his record as a man and lawyer,—distinguished by unswerving integrity and a masterful grasp of every problem that has presented itself for solution.

Judge Joseph N. Carter.—The position which Joseph Newton Carter is now occupying—that of chief justice of the supreme court of Illinois—stands in evidence of his rank at the bar of the state. Holding the highest judicial office in the commonwealth, his ability is such as to rank him among the most distinguished lawyers and jurists that Illinois has produced, and his name is indelibly engraved in honor upon the pages of her legal history. He is a native son of a state that has brought forth many eminent members of the profession—Kentucky—and is the adopted son of a state no less renowned for the brilliant qualities of its bench and bar.

Judge Carter was born in Hardin county, Kentucky, March 12, 1843, and is descended from Virginian ancestors of English descent. His paternal grand-

father was a Virginian planter in good circumstances, who operated his plantation with the aid of slaves, as was common in those days. The parents of the Judge, William Price and Martha (Mays) Carter, removed from Bedford county, Virginia, to Hardin county, Kentucky, in 1840, and the father purchased a farm of four hundred acres. There he extensively engaged in raising tobacco with the aid of his sons and a few slaves that he had inherited from his father. In the fall of 1856 he removed with his family to Coles county, Illinois. The Judge was then a lad of thirteen years. His birth occurred on the family homestead in Hardin county, and when old enough he had begun work on the farm. During the winter months he attended the subscription school of the neighborhood, which was supported by the parents whose children were in attendance there. Early in the year 1857 he was a student in the common schools of Charleston, Illinois, and later he attended the district schools of Coles county. In 1858 his father purchased wild prairie land in the northern part of that county—in the section which afterward became Douglas county—and there a farm was improved, upon which the family resided for a few years, when it was sold, the family removing to Tuscola. Judge Carter then attended the public schools of that city through the winter, and in the summer months engaged in teaching in the district schools near by. In 1862 he enlisted as a private in Company A of the Seventieth Illinois Infantry, for three months' service. When his term had expired he returned home and in the fall of 1863 entered the freshman class of Illinois College, at Jacksonville, where he was graduated in 1866.

When only thirteen years of age Judge Carter resolved to make the practice of law his life work, and the autumn of 1866 saw the consummation of his boyish plan, as he then matriculated as a student in the law department of the Michigan University, at Ann Arbor, where he was graduated in 1868, with the degree of LL. B. By means of teaching and various kinds of labor he paid his own way through college and law school, and after his graduation in the latter he went south with the intention of locating, but, changing his mind, he returned to Illinois in 1869 and took up his abode in Quincy. In the fall of that year he was admitted to the bar, on examination by a committee appointed by the supreme court, and in the spring of 1870 formed a law partnership with William H. Govert, also a graduate of Illinois College and the law department of Michigan University. Under the firm name of Carter & Govert they practiced until the election of the Judge to the supreme bench in June, 1894. For a few years they struggled along, but their clientage constantly grew in volume and importance and for nearly twenty years before Judge Carter's elevation to the bench they enjoyed a large share of the business in the supreme court and in the federal and state courts. Their business was often of a very important character, and in its conduct Judge Carter displayed exceptional ability, resourcefulness, comprehensive knowledge of the law and a masterful grasp of the situation, which enabled him to keep in mind every detail, giving to each its relative prominence and at the same time never losing sight of the important point upon which the decision of a case finally turned.

In June, 1894, he was elected to the supreme bench, over Judge Oscar P. Bonney, the Democratic candidate, and became chief justice, under the rules of the court, at the June term of 1894. He took to the bench a mind well stored with legal lore, a large experience gathered from years of extensive and important practice, a character that was an assurance that the duties of the high office would be faithfully administered, and a general natural fitness for the position that few men possess; and when it is admitted that as a lawyer and a judge he is ranked with the foremost, nothing more is necessary to show the high position, intellectually, professionally and otherwise, that he occupies.

Judge Carter cast his first presidential vote for Abraham Lincoln, in 1864, and has since been an ardent Republican in politics. His thorough understanding of the political problems of the day, combined with his strong personality and ability for leadership, has made him one of the prominent representatives of the party in his district, and in the fall of 1878 he was elected on the Republican ticket to the lower house of the general assembly, and re-elected in 1880, serving in the sessions of 1879 and 1881, also in the special session of 1882. He was the minority member from his district, Adams county being Democratic. In 1882 he was the candidate of his party for state senator and succeeded in greatly reducing the Democratic majority.

On the 3d of December, 1879, the Judge married Miss Ellen Douglas Barrell, youngest daughter of the late Captain George and Ann Barrell, of Springfield, Illinois. They have three children: Henry B., born September 19, 1880, now a freshman in Princeton University; William Douglas, born August 1, 1882; and Josephine, born March 12, 1886. The Judge and his family attend the Congregational church, of which he has long been a member. He has made his home in Quincy continuously since 1869, and is one of its most popular and honored residents.

James Henry Cartwright, who was elected a justice of the supreme court in December, 1895, was born at Maquoketa, Iowa, on the 1st of December, 1842. His father, Barton Hall Cartwright, was a well known frontier clergyman of the Methodist Episcopal church, and the maiden name of his mother was Chloe Jane Benedict. Judge Cartwright completed a course of study in Rock River Seminary, at Mount Morris, Illinois, and thereafter became a student in the law department of the University of Michigan, at Ann Arbor, where he was graduated in 1867. In 1870 he engaged in the practice of his profession at Oregon, Illinois, which place is still his home. He was elected judge of the circuit court in 1888 and was assigned to the appellate court of the second district, in June, 1891, and in December, 1895, as already noted, was elected to the supreme bench of the state. He was re-elected in June, 1897, and has proved eminently qualified for the duties of his important office.

On the 26th of November, 1873, Judge Cartwright was united in marriage to Hattie L. Holmes, and they are the parents of three daughters and two sons.

Carroll C. Boggs is one of the more recent accessions to the supreme bench and is qualified both by natural endowment and ample experience for the high office which he holds. Judge Boggs is a native of Illinois, having been born

in Fairfield, Wayne county, on the 19th of October, 1844. He still maintains his home in the city where he was born. Prior to his elevation to the supreme bench he had held the offices of state's attorney, county judge of Wayne county, judge of the second judicial circuit and judge of the third district appellate court.

Elsewhere in this work may be found individual sketches of others of the supreme-court justices.

CHAPTER VI.

REPORTERS OF THE SUPREME COURT.

THE reporter of the decisions of the supreme court is appointed by the court, and there have thus far been six incumbents of this important position.

Sidney Breese, to whom specific reference has been already made in the chapter pertaining to the supreme court, which he so dignified by his services as justice, was the first person authorized by the court to report and publish its decisions. He published the first volume of supreme-court reports, which includes all the decisions of the court from its first organization, in 1819, to the close of the December term, 1831,—this being the only volume published by him.

Jonathan Young Scammon, of Chicago, was appointed by the court, July, 1839, to succeed Judge Breese, and published four volumes, known as Scammon's Reports. The name of Jonathan Young Scammon is of necessity perpetuated in that of the history of Chicago, with which he was identified from 1835 until his death, which occurred March 17, 1890, a long period of fifty-five years. His life was a useful one, and whether as lawyer, man of affairs, journalist or philanthropist, he always exerted an influence upon the public of Chicago and the west that was both helpful and ennobling, and has left an imperishable memory as the conservator of every interest contributing to the growth and development of the city of his adoption.

Jonathan Young Scammon was born July 27, 1812, in the town of Whitfield, in that part of Massachusetts which, after the admission of Maine, in 1820, and the organization of Lincoln county, was within the borders of that county, that state. His father was Hon. Eliakim Scammon, a man of ability, who for many years represented the town of Pittston in the house of representatives and Kennebec county in the senate of Maine. His mother was Joanna Young, daughter of David Young, a pioneer, who represented his district in the general court of Massachusetts and performed gallant service as a soldier during the Revolutionary war.

Mr. Scammon received his early education at the Maine Wesleyan Seminary and the Lincoln Academy. He then entered Waterville College, now known as Colby University, from which he received the baccalaureate degree and at a later date the honorary degree of LL. D. He read law at Hallowell, and in 1835 was admitted to the bar in Kennebec county. After a somewhat protracted tour of the west, he reached Chicago in the fall of that same year, and to oblige a friend, who was deputy clerk of the courts of Cook county, and who desired to be absent for a time, he consented temporarily to discharge the duties of that

position in his friend's stead. That was the beginning of his active career in Chicago.

No eastern visitor could at that time see much to favorably impress him with Chicago. But Mr. Scammon's stay here was prolonged until he became familiar with the town and its advantages, and he conceived a conviction as to the great destiny of the place which never left him afterward, even when Chicago's future appeared darkened. He soon began the practice of his profession and was early recognized as a lawyer of great ability. In 1837 he was made attorney for the State Bank of Illinois, at that time one of the leading financial institutions of the west. In 1839 he was appointed reporter of the supreme court of Illinois, and published the first volume of the court reports issued in Chicago. This position he held until compelled by pressure of other business to relinquish it, in 1845, and the reports published under his supervision have been looked upon by the bar of the state as the most valuable of the series.

After practicing his profession for a time, in partnership with Hon. B. S. Morris, one of the distinguished pioneer lawyers of the state, he became associated professionally with Hon. Norman B. Judd, whose reputation as a lawyer and politician was national, and the firm thus constituted was regarded as one of the ablest in the northwest. In 1847 the first railroad enterprise set on foot west of Lake Michigan was projected and Mr. Scammon became actively interested in its advancement. The proposed line was known as the Galena & Chicago Union Railway, and to secure its completion Mr. Scammon not only brought to bear all the influences which he could command, but taxed his private resources to the utmost limit to contribute to its financial assistance. The amount of time which he found it necessary to devote to the railway and other business enterprises caused him to withdraw in a measure from the active practice of law in 1847, when his partnership with Mr. Judd was terminated.

Notwithstanding this withdrawal from regular practice, Mr. Scammon retained a prominent position at the bar and it was in his office that Hon. Robert T. Lincoln pursued his law studies at a later date. Even more widely than as a lawyer, he was known as a prominent citizen of Chicago and as a man of affairs. Early in the history of the city he engaged in banking, and built up various important financial institutions, besides investing large sums of money in making substantial and permanent investments on the realty which he acquired. He lent his every energy to all movements calculated to promote the growth and prosperity of the city. While not entirely successful in all his earlier financial ventures, he nevertheless built up a large fortune prior to 1870 and was accounted one of Chicago's wealthiest citizens, when the fire of 1871 blighted for a time the common prosperity and the major part of his own accumulations were entirely swept away.

But his faith in Chicago did not flag, even in those hours of somber despair which drove some men mad and others to premature graves. He was one of the pioneers in the herculean task of building the city anew. He was one of the earliest to contract for building material, and new buildings to replace those of his which had been destroyed were among the earliest of those which sprang up,

almost like magic, immediately after the great conflagration. It is said that he entered into one such contract within twenty-four hours after the fire had been gotten under control and while some portions of the city were still burning. He thus exerted an influence upon others which gave an impetus to the rebuilding movement which was of incalculable benefit and which was not the least notable of the distinguished services rendered by him to Chicago.

The financial panic of 1873, following close upon the unexpected and extraordinary reverses which had fallen upon him in 1871, prevented him from reaping the fruition of his labor and enterprise and resulted finally in the dissipation of his entire fortune. He was a most liberal contributor during all the years of his financial prosperity to charitable and benevolent institutions, and no one ever appealed to him in vain in behalf of any movement having for its object the alleviation of human suffering or the improvement of the condition of any considerable number of his fellow-citizens. What has since become one of the noted hospitals of the city was originally built by Mr. Scammon at his own expense and was turned over to the Hahnemann Medical College as a gift, while the Hospital for Women and Children received from him liberal contributions and material assistance in conduct and management during the early years of its existence. He was equally generous in dealing with worthy persons in need with whom he came in contact professionally or otherwise.

Mr. Scammon's friendship to young men just starting in life was exceedingly valuable. For all such he had a kindly word of advice under any circumstances and he was generous with substantial encouragement when the occasion seemed to demand such aid. A distinguished jurist and a late member of the federal judiciary relates that when he had completed his course of study in Mr. Scammon's law office, and was ready to enter professional life on his own account, the latter, entirely unsolicited, placed in his hands a considerable amount of business to be looked after in the new county seat in which he was to locate and left an order with a Chicago book-seller to supply him any books that he might need. His friendships were always generous and his manner of manifesting his regard or expressing his sympathies was eminently practical. To no one of Chicago's pioneers is the city under a greater obligation for the advancement of its educational interests than to Mr. Scammon. It was through his instrumentality that a free-school clause was inserted in the first charter granted to the city of Chicago, and it was to him that Chicago was mainly indebted for a free-school system some time before the free school became a state institution.

Mr. Scammon was not only a promoter of but a devotee to science, to various branches of which, notwithstanding the multiplicity of his business and professional engagements, he gave much of his time and means. For many years he was specially interested in the study of astronomy. While connected with the University of Chicago as one of its trustees, he erected for the use of that institution an observatory, in which was placed one of the largest refracting telescopes ever brought to the west, and, in addition, he bore the expense of the maintenance of a professorship in connection therewith. He was one of the founders of the Chicago Astronomical Society, of the Chicago Historical Society

and of the Chicago Academy of Sciences. As a religionist he was a follower of Swedenborg, and founded the Church of the New Jerusalem, of the Swedenborgian faith, in Chicago. While he was devotedly attached to that church and made it the recipient of his most considerable gifts and donations, he took the broad view that all organizations of religious men and women were agencies for good, and the appeals which came to him to aid churches of all denominations seldom failed to meet with a helpful response.

Nearly all his active life Mr. Scammon was a contributor to the press, and at different times he was prominent in the editorial and business management of leading Chicago newspapers. He had a more or less intimate connection with the founding of both the Tribune and the Journal, and in 1872 established the Inter-Ocean, of which he was for a time sole proprietor and editor-in-chief. This great journal was first issued March 25, that year, from a plant at the rear of Mr. Scammon's residence, where he erected a building and supplied it with the necessary printing material and installed a competent and sufficient corps of editors and reporters.

Politically Mr. Scammon was, early in life, a Whig. From the time of the organization of the Republican party he was an ardent supporter of its principles. In 1860 he was one of the most enthusiastic supporters of Lincoln, and at his own expense published and distributed much of the literature of that campaign. He was never, however, an office-seeker, and the most important elective office he ever held was that of member of the Illinois legislature. He was twice married, first to Mary Ann Haven Dearborn of Bath, Maine, who died in 1857. His widow was Mrs. Gardner Wright. His one son, who grew to manhood, was Charles Trufant Scammon, who, at the time of his death, in 1876, was a partner of Hon. Robert T. Lincoln.

Upon the resignation of Mr. Scammon as reporter of the supreme court his successor was appointed, in the person of Charles Gilman, of Quincy, Illinois, his appointment bearing date of January 30, 1845. His death occurred July 24, 1849, when the fifth volume of his reports was about four-fifths completed. At the request of the administrators of the estate of the deceased reporter, the court authorized Charles B. Lawrence to complete the volume and superintend its publication. Mr. Gilman published five volumes, which are known as Gilman's Reports.

After the death of Mr. Gilman, Ebenezer Peck, of Chicago, was appointed to fill the vacancy. He gave a new title to the volumes published by him, and his wisdom in so doing has been recognized, since the name which he gave, "Illinois Reports," has been ever since retained. His first volume was numbered eleven and his last, thirty. He resigned in April, 1863.

Ebenezer Peck located as a lawyer in Chicago during the summer of 1835. He was born in Portland, Maine, but his parents removed to Canada while he was but a lad, and he received his education and was admitted to the bar at the city of Quebec, where he began the practice of his profession, and soon rose to the rank of king's counsel, and was elected to the provincial parliament, where he acted with the Liberal party and acquired an influential position. After

locating in Chicago he devoted himself earnestly to the work of his profession, secured a large and profitable practice, and was looked up to as one of the able lawyers of the city. He, however, had a great fondness for politics, which in a few years distracted his attention from his law practice, and finally, for a time, he engaged in mercantile pursuits. He was then for a time clerk of the supreme court, with his office in Springfield, but resigned that place in 1846 and returned to Chicago, where he formed a law partnership with James A. McDougal, who was afterward United States senator from California. The firm soon secured a large practice, as both were able men and sound lawyers; but in 1849 Mr. Peck accepted the office of reporter of the supreme court of our state to succeed Mr. Charles Gilman, who had died. He held the place of reporter until after the inauguration of Mr. Lincoln as president, when he was appointed one of the judges of the United States court of claims, which place he filled until 1875, when he resigned, at the age of seventy years, and died at his home in Chicago two years later. As a lawyer he was able and industrious, well versed in the common law, and an eloquent and effective advocate, courteous and gentlemanly toward the court and his brother lawyers, and thoroughly honest. He was a natural leader of men, and his influence was always thrown in favor of a high standard of professional conduct. He was an early admirer and friend of Mr. Lincoln, who had great confidence in his judgment, and often consulted him in the trying emergencies of the civil war.

Norman Leslie Freeman, the fifth reporter of the supreme court, was born in the state of New York, on the 9th day of May, 1823. His ancestors were among the best of the old New England families. He lost his father when he was but a few years of age, and was taken by his mother to Ann Arbor, Michigan.

He was employed for a short time in a store in Detroit, and then removed to Cleveland, Ohio, where he was engaged in a like employment. He completed his education at the Ohio University, Athens, Ohio. Shortly after leaving school he went to Kentucky, and was a teacher in that state. While teaching he entered upon the study of the law, eventually returning to New York, where he entered a law office for the purpose of completing his legal education. In 1846 he again visited Kentucky, and was there admitted to the bar and entered upon the practice of his profession.

In 1851 he removed from Kentucky to Shawneetown, and being admitted to the bar of Illinois he continued his practice. In the meantime he removed to the state of Missouri, and for a while lived on a farm, but returned to this state in 1862 and resumed his legal practice. In April, 1863, he was appointed by the supreme court the reporter of its decisions, which position he held until his death, which occurred on the 23d day of August, 1894. He reached and afterward held a high position at the bar of the circuit and supreme courts until he abandoned it to enter upon a new field of labor, the preparation of a digest of the Illinois reports. It is a work in two volumes and is now nearly obsolete, being superseded by other later and more extensive digests of Illinois decisions. It was the pioneer work of its kind, and shows the careful, accurate discrimination of a clear, well trained legal mind. It was published in 1856 and afforded great

assistance to the practicing lawyers of that day; it includes only fifteen volumes of Illinois reports.

Judge John M. Scott, who was one of the justices of the supreme court for many years, says of Mr. Freeman: "It was his eminent fitness for that class of work, as manifested in the preparation of his digest, no doubt, that attracted the attention of the court when casting about for a suitable person to fill the office of reporter, upon the happening of a vacancy. Prior to that time there had been but four reporters of the decisions of the supreme court,—Breese, Scammon, Gilman and Peck,—all men of learning and ability. Selecting a successor to such eminent men and most successful reporters was a delicate task; the selection would imply a high compliment to one upon whom it might fall."

Judge John D. Caton, who was one of the three judges which composed the court when Mr. Freeman was appointed, says of him: "Mr. Freeman had practiced before the court for a number of years before he was appointed its reporter, and we were all familiar with his eminent fitness, as a lawyer, for the place, but his other qualifications remained to be proved, and in these he has surpassed the most sanguine expectations of the court, of the profession and of his personal friends."

Hon. Wm. E. Shutt, in his remarks in the circuit court of the United States for the southern district, January 25, 1895, condensed the personal character of Mr. Freeman in a few words: "Mr. Freeman was fearless, generous and honest. He lived an honorable, and an eminently useful life, 'And thus he bore without abuse the grand old name of gentleman.'"

Isaac N. Phillips, the present reporter, was born October 24, 1845, in Tazewell county, Illinois, to which county his parents came from Wayne county, Kentucky, as "early settlers," in 1830.

He was educated at the Illinois Wesleyan University, attended the old Chicago Law School, of which Judge Henry Booth was the dean, and graduated in June, 1871. He was admitted to the bar that same summer and has practiced since at Bloomington, Illinois, except the four years during which he was chairman of the Illinois railroad and warehouse commission, under Governor Fifer.

He was appointed reporter of the supreme court October 24, 1894. The first volume he reported was 152, and volume 173 has now been issued, and he is "up with the court."

CHAPTER VII.

LAWYERS OF CHICAGO.

ELLIOTT ANTHONY.—On a certain occasion, in speaking of the virtues of a prominent jurist, Judge Elliott Anthony said: "May our successors in the profession look back upon our times not without some kind regrets and some tender recollections; may they cherish our memories with that gentle reverence which belongs to those who have labored earnestly, though it may be humbly, for the advancement of the law; may they catch a holy enthusiasm from the review of our attainments, however limited they may be, which shall make them aspire after the loftiest possessions of human learning; and thus may they be enabled to advance our jurisprudence to that degree of perfection which shall make it a blessing and protection to our country and excite the just admiration of mankind." The hope that Judge Anthony uttered in those words is surely realized in regard to the influence he had upon the jurisprudence of the state and the impress he made upon the bar. He was one of the great lawyers of the Illinois bar who lives in the memories of his contemporaries encircled with the halo of a gracious presence, charming personality, profound legal wisdom, purity of public and private life, and the quiet dignity of an ideal follower of his calling. He was for many years in active practice in Chicago, and comparatively few men endear themselves to so great an extent to their professional associates and to those with whom they come in contact in the discharge of public duties. In his lifetime the people of the state, recognizing his merit, rejoiced in his advancement and in the honors to which he attained, and since his death they have cherished his memory, which remains as a gracious benediction to all who knew him.

Judge Elliott Anthony was born in the town of Spafford, Onondaga county, New York, June 10, 1827, and is descended from Quaker ancestry, who sought religious freedom in New England, and were even then forced to take up their residence in Rhode Island on account of the persecution of the people of that sect in other colonies of the New World. Among the number was the grandfather of the Judge, who lived in that section of the colony which was occupied by the British and their Hessian troops in the war of the Revolution. Captured by the enemy he was forced to do menial service in the British headquarters, and the wrongs he thus suffered awakened a resentment against the English which is still manifest in his descendants. Other members of the family, however, found opportunity to join the American army and did valiant service for their country. Isaac Anthony, father of the Judge, was born in Rhode Island, and the stories of the Revolution became very familiar to him, awakening a deep interest in the affairs of his country, so that at a later day he became an able

historian. In the early part of the nineteenth century he went with his father's family to New York, a settlement being made at Cambridge, a little village about twenty miles from Albany. It was also the home of the Phelps family,—emigrants from Vermont,—and Isaac Anthony married Parmelia Phelps. When their family numbered four sons and a daughter they removed to the town of Spafford, Onondaga county. Once before, the father had made a settlement in that county and had resided for a time in Cattaraugus county, but had returned east at the request of his friends, and Elliott and one sister and three brothers had been born in Onondaga county before the final exodus. At the time of the second removal the county was still a frontier district, a picturesque region of hill, valley and lake, and the farm upon which the family located was merely a clearing in the midst of the primeval forest. Three sisters were born in this home, and the whole family were engaged in the duties peculiar to a frontier settlement; but these were done with such intelligence and vigor that Mr. Anthony became the most prominent farmer in that region, and in addition to the advantages of local primary instruction he gave each of his children an academic education in Cortlandt Academy, at Homer, which was the leading institution in that region.

Elliott Anthony, the fourth son, manifested special aptitude in his educational labors and made rapid advancement, so that on leaving Cortlandt Academy he was permitted to enter Hamilton College, of Clinton, New York, as a sophomore, in the autumn of 1847. He was graduated with honors at that institution in the class of 1850, and during the succeeding year he and a classmate, Joseph D. Hubbard, had charge of the Clinton Academy, in which Grover Cleveland was then a pupil. At the same time Judge Anthony pursued a course of law study under the direction of the renowned Professor Theodore W. Dwight, who then occupied the chair of law and political economy in Hamilton. In May, 1851, when twenty-four years of age, he was admitted to the bar, at Oswego, New York, and determined to enter upon his professional career in Illinois, where his brother had previously located.

Accordingly he took up his residence in Sterling, this state, where he tried his first case in a court of record. After about a year he returned to the east and was married, July 14, 1852, to Miss Mary Dwight, a sister of his law preceptor and a granddaughter of President Dwight of Yale College. With his bride he then came to Chicago, where, with the aid of his accomplished wife, he celebrated his first year of residence by compiling "A Digest of the Illinois Reports," which was received with great favor. He had been in Chicago but six years, when, in 1858, he was elected city attorney and distinguished his administration of the duties of that office in many notable cases where new points of law were established; as, for instance, that special assessments cannot be enjoined by a court of chancery; that the city of Chicago cannot be garnished to collect salaries or wages of those employed by it; that no execution can issue against the city to collect a judgment, and that the city cannot make contracts with gas companies which interfere with the prerogatives of legislation. These are trite points now, but they were made against great opposition in eminent quarters. A

more striking case still was that regarding the liability of a property owner for damages due to injuries received from an excavation left open in front of his premises. This was in the well known Robbins case, twice tried before the United States supreme court, in which the position laid down in Mr. Anthony's brief, that the owner was liable to the city where the city is sued and pays the damages, was sustained, and the case became the leading authority in the country. Five years after his election he was chosen general solicitor for the greatest railway corporation then in the northwest, the Galena & Chicago Union Railroad Company. He was with it when the great fight over its consolidation with the Chicago & Northwestern was on, and led the minority stockholders in one of the most stubbornly contested cases in railway law, and enlisted some of the most eminent capitalists in the country, among them Samuel J. Tilden. All the positions of Mr. Anthony's brief were sustained and the parties patched up their differences. This brief grew into a treatise on "The Law Pertaining to the Consolidation of Railroads," which not only elicited personal congratulations from such men as Josiah Quincy, Sidney Bartlett, Justice Swayne, and the late Thomas A. Ewing, but has remained the best work on that subject and has attracted much attention in Europe.

The organic law of the state of Illinois, as framed in the constitutions of 1862 and 1870, bore the impress of the talent and ability of Judge Anthony, who was a prominent and leading member of both conventions. In the first he was associated with such eminent statesmen as Henry Muhlke, Chief Justice Fuller and Hon. John Wentworth. In the second were as notable a collection of men as ever assembled for Illinois, and Judge Anthony was regarded as the expert on constitutional methods and procedure. He was chairman of the executive committee and drafted the article relating to that department. He also served upon the committees on judiciary and railroads and drafted many of the articles of the former and most of the latter. To his foresight is due the provision for the appellate courts and additional judges of the circuit and superior courts of Cook county to follow the needs of population. In connection with this he was always one of the commanding speakers on the floor.

For the long period of twelve years Judge Anthony sat upon the bench of the superior court of Chicago, beginning in the autumn of 1880, and during his term he compelled a return to a more strict and correct construction of the law in certain features, notably that of self-defense, in which he was the first prominent jurist to take a bold stand against its abuses. This he did in a work entitled "Law of Self-Defense, Trial by Jury in Criminal Cases, and New Trials in Criminal Cases," which attracted widespread attention and influenced practice to a great degree. His sketches of the courts of England, published in the Legal Adviser, attracted much attention about this time, and probably no work surpasses his treatise on "The Law of Arrest in Civil Cases." He was twice appointed corporation counsel of the city of Chicago. He was always popular with the bar, and as founder and president of the Chicago Law Institute, whose charter he drafted and whose incorporation he secured, we owe to Judge Anthony a debt that can never be paid. In 1859 he was president of the Ex-

celsior Society; was one of the two honorary members of the Chicago Law Institute; and was president of the Illinois State Bar Association in 1895. The last named frequently called upon him for addresses, and that delivered by him in 1891 on the Constitutional History of Illinois, as well as that of the following year on "Remember the Pioneers," were memorable in the annals of the association. Judge Anthony was a ready and entertaining writer and his historical articles have been many and have been widely read. He was the author of the Constitutional History of Illinois, The Story of the Empire, Sanitation and Navigation, which foreshadowed the famous drainage canal of these days, and many articles which have been published in the Magazine of Western History. He was a man of very scholarly attainments, and was honored in 1889 with the degree of LL. D., conferred upon him by his alma mater, Hamilton College. His extensive and much read library indicates his familiarity with the master minds of all ages, and his collection of historical works is very valuable. The cause of education and mental culture was always one dear to his heart and for many years he was a member of the board of directors of the Chicago public library, and did much to promote its interests. Travel also broadened his mind and enriched his writings, and his several trips through Europe resulted in the production of a number of interesting articles from his pen, including a very notable one on Russia.

In politics, Judge Anthony was a conspicuous figure. He was one of the founders of the Republican party in Illinois and was a delegate to the first Republican convention in Cook county. His fitness for leadership called him at once to a place among the most eminent men of the party, and in 1880, when the conflict over the third-term idea came up he was elected chairman of the Cook county convention and delegate to the state convention, whereupon he became contesting delegate to the national convention, where in a stormy debate he answered Green B. Raum, General Logan and Emery A. Storrs, and was finally admitted to the convention which nominated General Garfield for president. As a citizen he supported every measure for the general good with a public-spirited loyalty that was above question. At the bar he was ever courteous and fair to his opponents and won their high respect. On the bench he fully sustained the majesty of the law; he was ever dignified, and his opinions were models of judicial soundness, based upon a comprehensive understanding of the principles of jurisprudence and a masterful skill in applying them to the points in litigation. He was never offensively aggressive, either in the political or legal field, but maintained his stand for the right, as he saw it, with a fixed purpose that commanded public confidence, and at the same time was courteous to all who differed from him.

He passed away February 24, 1898, and his death brought regret to the entire community in which his engaging personality, his lofty character and exceptional attainments made him observed of all men. Like all who walk through life on a higher plane than the great majority of his fellows, his companionship was select, rather than large, but the many who looked up to him and respected him realized as fully as did the few who were near him that a true man had fallen.

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Benjamin F. Ayer, for more than forty years a member of the bar of Chicago, was born in Kingston, Rockingham county, New Hampshire, April 22, 1825, and is a son of Robert and Louisa (Sanborn) Ayer. His father was born in Haverhill, Massachusetts, August 14, 1791, and traced his ancestry back to John Ayer, who emigrated to America from Norfolk county, England, in 1637, and took up his residence in Haverhill, Massachusetts, in 1645. The mother was a daughter of Benjamin Sanborn, of Kingston, New Hampshire, a descendant of Rev. Stephen Batchelder, who came from Hampshire, England, in 1632, and on the settlement of Hampton, New Hampshire, took charge of the first church in that town. Among his descendants were Lewis Cass and Daniel Webster.

Liberal educational advantages fitted Benjamin Ayer for life's duties, and his rapid advancement indicated an alert and well-trained mind. His preparatory training was received at the Albany Academy, of Albany, New York, after which he entered Dartmouth College, where he graduated in 1846. Choosing the law as a profession, he prepared himself for its practice by a course of study extending over a period of three years, including attendance upon the regular courses of lectures at the Dane Law School,—the law department of Harvard University. Admitted to the bar, he began practice in Manchester, New Hampshire, in July, 1849.

A solid professional reputation can be attained at the bar only by settled habits of labor and research, to which must be added the analytic power and trained judgment which can clearly and quickly discern the essential points in a complicated case and apply to them the precise legal rule. These qualifications are among the marked characteristics of Mr. Ayer and early brought him success in his professional career, so that before leaving the east he had a large and important clientage. He was honored by his fellow citizens with an election to the state legislature in 1853, and the following year was appointed prosecuting attorney for Hillsborough county, in which capacity he rendered efficient service to the public until 1857, when he resigned, preparatory to his removal to the west.

Thinking to find a broader and more important field for his labors, Mr. Ayer came to Chicago in 1857, and on the 15th of May was admitted to the Illinois bar. In 1861 he was appointed corporation counsel for the city of Chicago, and during four years' service in that capacity drafted the revised city charter of 1863. Soon after his retirement from office he became a member of the firm of Beckwith, Ayer & Kales, a connection which was continued until 1873, when the senior partner withdrew, Mr. Ayer and Mr. Kales, however, continuing their association until 1876.

While not restricting his practice to any single department of the law, Mr. Ayer from an early period in his professional career made a close study of corporation and railroad law, and was therefore eminently fitted to accept the position of general solicitor for the Illinois Central Railroad Company, which was tendered him in 1876. The following year he was elected a director of that company, and on the 1st of January, 1890, became its general counsel. Of late

years his attention has necessarily been confined to the legal business of the Illinois Central Company, and he has conducted, as its counsel, some of the most important litigation in the courts of the country relating to railroad interests. Among these cases was the famous one involving the title to the lake front and reclaimed ground occupied by the Illinois Central Company in Chicago. Another was that involving the right of the Baltimore & Ohio Railroad to retain station grounds in the yards of the Illinois Central; and still another, determining the right of the Chicago, Burlington & Northern Railroad to condemn ten miles or more of Illinois Central right of way between Galena and East Dubuque.

A just estimate of Mr. Ayer's professional attainments and achievements cannot be better given, perhaps, than in the words of the late William C. Goudy, who knew him well and who said: "Benjamin F. Ayer has stood in the first rank of lawyers in Chicago for more than thirty years. Nothing has been allowed to divert him from his profession. He never relies on others to do his work. Every question is investigated until the subject is exhausted. While not controlled by precedents, he personally examines every case where the subject has been involved, in order to extract the principles applicable to the matter in hand. The most remarkable is the ability to make a connected and logical statement of his case to the court. This is done in language which cannot be misunderstood, and when presented orally it is with a clear voice and appropriate emphasis, giving the greatest pleasure to the listener. The manner is one of honesty and candor, which leaves no room for doubt as to his own convictions. He has always had the credit of sincerity with the court, stating facts in a conservative way and suppressing nothing, regardless of the effect on his case. He has always endeavored to aid the court in arriving at correct conclusions, both as to fact and law, believing that the highest duty of a lawyer is to see that justice is done. In short, he commands the confidence and respect of judges and lawyers, and as a citizen is without reproach."

Mr. Ayer was married in 1868 to Miss Janet, daughter of Hon. James C. Hopkins, of Madison, Wisconsin, and they have four children: Walter, Mary Louisa, Janet, and Margaret Helen. Mr. Ayer is a valued member of various social organizations. He was one of the founders of the Sons of New Hampshire, organized in 1889, and for two years filled the office of president. He is a member of the Chicago Historical Society, the Chicago Law Institute, the Chicago Literary Club, the Chicago Club, the American Bar Association and the Chicago Bar Association: in 1875 he was president of the latter. In 1878, the honorary degree of LL. D. was conferred upon him by his alma mater.

He is a man of scholarly tastes and his mind has been cultivated by extensive reading and research carried into various fields of literature and science. His manner is one of modesty and reserve, yet he is ever most courteous and kindly to those with whom he is brought in contact; and those who are admitted to his friendship find him a most entertaining, social man, quick to recognize commendable traits in others, and always worthy of the highest regard and esteem.

Lysander Hill.—In a classification of the lawyers of Chicago the name of this gentleman will occupy a notable place among the distinguished members of the profession who have devoted their energies to patent law. This branch of jurisprudence, developed within a comparatively short period, is one of the most important in its relations to the trade interests of all departments of the law. By the protection which it furnishes to inventors, it stimulates all inventive genius, and, when superior ability has produced mechanical devices whose utility promotes the business interests of the land, patent law protects the rights of the inventor from the attacks of the unscrupulous, who would take advantage of his genius for their own profit and to the detriment of the producer. No more intricate or delicate problems come before the courts than those concerning patent litigation, and the man who can successfully handle these must not only be well versed in the principles of jurisprudence, but must also have a definite knowledge of mechanics that he may prove the originality of the invention. In both respects Mr. Hill is well qualified to handle the important interests which are entrusted to his care, and has attained honorable distinction as one of the ablest patent lawyers of the land. Even before he had completed his literary education Mr. Hill had determined to devote his life to the practice of law, and the careful pursuit of a well defined purpose has gained him prestige in professional circles and also a handsome competence which is a well-merited reward of his labors.

He was born in Union, Lincoln county, Maine, on the 4th of July, 1834, a son of Isaac and Eliza M. (Hall) Hill. Among the Puritans who settled Massachusetts in the beginning of American colonization were the paternal and maternal ancestors of our subject, and thus from a sturdy stock is he descended. Having attended the common schools of his native town, he entered Warren Academy, where he prepared for college, and in 1854 he matriculated in Bowdoin College, in which institution he was graduated in 1858 with the highest honors of his class. Soon afterward he carried into execution his plan of preparing for the bar, and after a comprehensive course of reading in the office of A. P. Gould, a prominent attorney of Thomaston, Maine, he was admitted to practice in 1859.

Mr. Hill opened an office there and was intent on building up a good business, when the events which preceded the civil war claimed his attention. He watched with growing interest and anxiety the hostile attitude of the people of the south, and when war seemed imminent he took an active part in raising troops for the government. In April, 1861, he enlisted with an artillery company, but this was not accepted for active service, because, as General Scott expressed it, "the government already had more artillery than it knew what to do with." After the battle of Bull Run Mr. Hill prevailed upon Governor Washburn, of Maine, to organize a regiment of cavalry and took an active part in raising it, although business duties obliged him to decline a commission in it. In the early summer of 1862, however, Mr. Hill entered the service as captain of an infantry company belonging to the Twentieth Regiment of Maine Volunteers. Colonel Bachelder, the historian of Gettys-

burg, credits this regiment with turning the tide of battle in that decisive engagement. In 1863 Captain Hill was honorably discharged on account of disability and his health was so greatly impaired that his physician forbade a return to the north. He therefore located in Alexandria, Virginia, where he resumed the practice of law, also conducting a law office in Washington, D. C., at the same time. In the former city he was associated with George Tucker, under the style of Hill & Tucker. With the close of the war there came an important service to perform,—the reconstruction of the south, and in the work of harmonizing that division of the country to the new order of things Mr. Hill bore an important part and one which redounds to his credit as a citizen, a patriot and a friend to humanity. He not only had the confidence of the government at Washington but also won the warm regard of his fellow citizens of the Old Dominion, who afterward showed their appreciation of his services by making a strong effort to confer upon him high judicial honors. In 1866 he was made a delegate to the Southern Loyalist Convention, which met in Philadelphia, and was also a delegate to the Republican national convention, at Chicago, in May, 1868. In 1867 he was appointed register in bankruptcy, and in 1869 resigned in order to accept the appointment of judge of the eighth judicial district of Virginia. In that office he discharged his duties with such impartiality and marked fairness that an attempt was made, irrespective of party, to place him on the supreme bench of the state.

Until 1871 Mr. Hill's law practice was of a general nature, but from that time he has devoted his attention almost exclusively to patent and corporation cases. In 1874 he left Virginia, removing to Washington, where he formed a partnership with E. A. Ellsworth, under the firm name of Hill & Ellsworth. This connection was maintained until 1878, and Judge Hill was then alone in business in Washington until 1881, when in the month of May he came to Chicago. He formed a partnership with T. S. E. Dixon, which continued for nine years, and since that time has been alone in business, enjoying a most extended clientage, which comes from all parts of the country, and includes many of the most important patent cases that have been heard in the history of American jurisprudence.

In February, 1864, Mr. Hill was united in marriage to Miss Adelaide R. Cole, of Roxbury, Massachusetts, and in the company of his wife and three children the Judge finds his chief pleasure. His political support is still given the Republican party and he is as ardently devoted to the cause as in earlier years, notwithstanding the duties of an extensive law practice make it impossible for him to engage in active political work. Of Mr. Hill it has been written: "Upright, reliable and honorable, his strict adherence to principle commands the respect of all. The place he has won in the legal profession is accorded him in recognition of his skill and ability, and the place which he occupies in the social world is a tribute to that genuine worth and true nobleness of character which are universally recognized and honored."

Joseph A. O'Donnell.—Among the representatives of the Illinois bar that come from the Emerald Isle is Joseph A. O'Donnell, who was born in the

town of Ballina, county Mayo, December 23, 1859, his parents being Patrick and Catherine (Nellis) O'Donnell, members of the famous O'Donnell family of Ireland. In 1866 they brought their children to the New World, locating in Chicago, and Joseph pursued his education in St. Patrick's Academy of this city and in the public schools. His school life then ended for a time; the family was in limited circumstances and he was obliged to find employment that he might aid in the support of the other children. He entered upon his business career as an office boy and later was apprenticed to a mechanical engineer. He applied himself with great diligence to the thorough mastery of the work, and when only twenty-two years of age was appointed to the important position of foreman. During most of this time he attended a night school and studied mechanical drawing, engineering and other kindred subjects, eagerly embracing every opportunity for gaining a comprehensive knowledge of his trade.

The arduous labors which he performed, however, undermined his health and led to his determination to make the practice of law his life work. He had previously read Blackstone's Commentaries on English law and Kent's Commentaries on American law, and had also studied Latin during his leisure hours in morning and evening. He was graduated in the Union Law College of Chicago, in 1887, with the degree of LL. B., won a senior diploma, and later took a post-graduate course, winning the degree of Master of Law. From the beginning he has been very successful in his practice and has always enjoyed an extensive and lucrative clientage. He is of a studious disposition, possesses a keen, analytical mind and is very thorough and exact in the preparation and conduct of the litigated interests entrusted to his care.

While Mr. O'Donnell has won a creditable position at the Chicago bar, he has also become prominent in political circles and his influence is strongly marked in the counsels of the Democratic party, with which he has been associated since attaining his majority. In 1889, 1891 and 1893 he was elected from the ninth district to the general assembly, and was also in attendance at the special session called to consider the World's Fair bill. During the last two sessions he was a member of the steering committee of the house, and his able management led to not a few successes for his party. He was instrumental in securing the passage of a number of important bills, and it was through his efforts that the Australian ballot law was placed on the statute books of this commonwealth. The bill was introduced by him and engineered by him through the house. He was well known as one of the leading orators of the assembly, and while he did not resort to the use of flowery phrases to any extent his sound logic and evident belief in all he advocated produced great effect upon his auditors. He was also associated with the "one hundred and one" who secured the election of General Palmer as United States senator.

In 1886 Mr. O'Donnell married Miss Rose E. Dugan, whose father, Thomas Dugan, was one of the pioneers of the city, of 1833. He belongs to a number of distinctly Irish societies and in addition holds membership in the Royal League, Ancient Order of United Workmen, National Union and the Knights of the Maccabees. For five years he was a member of the Second

Regiment, Illinois State Militia, in which he held the rank of first lieutenant. In his religious associations he is a Roman Catholic. In 1894 he revisited the land of his birth, and also viewed many of the places of historic and modern interest in England and Scotland. His courteous, affable manner renders him a general favorite and his friends are many.

Francis W. S. Brawley.—In the death of the honored subject of this memoir there passed away another member of that little group of distinctively representative lawyers who were the pioneers at a bar now famous for the brilliant achievements and deep learning of its members. His name is familiar not alone to the residents of northern Illinois, but to all who have been in the least intimately informed as to the history of jurisprudence in this state. For a half century he practiced in the courts of this commonwealth, winning a name and fame that have left their impress upon our judicial history and that ever reserved for him a place among the most prominent representatives of the bar. He never confined his attention exclusively to one line of the law, but had a comprehensive knowledge of its various departments and had the ability which enabled him to master the intricacies of each branch. There is in his history a mastering of expedients and a utilization of opportunities that furnish an example well worth emulation, as it illustrates what can be accomplished through determined purpose and well directed energy.

Mr. Brawley was born at North East, Erie county, Pennsylvania, his parents being John and Mary (Saltsman) Brawley. His ancestors were among the Pennsylvania colonists and were of Scotch lineage. His early childhood was spent on his father's farm, but while he was still young the family removed to a village in western Pennsylvania and later to the city of Erie. In the latter place he acquired an academic education, and resolving to find in the legal profession his life work, began the study of law, in the office of Hon. John Galbraith, a distinguished jurist, who carefully directed his reading. He applied himself with such diligence that he was ready for admission to the bar at the age of twenty, but the laws of his state prevented the practice of any lawyer under the age of twenty-one, and until time should qualify him for his chosen calling he resolved to emigrate westward and seek a location in the Mississippi valley, whose rapid development promised a good field for the young and ambitious.

In 1845, therefore, Mr. Brawley arrived in Chicago. His financial resources were limited and in order to gain a living he accepted a position as compositor on a Chicago newspaper, having acquired some knowledge of the printer's art while in the east. While thus employed he spent more or less time in the courts and learned something of western methods of practice, and was much interested in watching the work of the old-time leaders of the Chicago bar. The termination of one of the cases that came under the jurisdiction of the court of this city was rather amusing as showing new methods of administering justice. A fugitive slave had been apprehended in Chicago by his pursuers from a southern state and was taken before a justice of the peace. A great crowd gathered around the magistrate's office, and when the negro was brought

out they closed around him and by some peaceable means separated him from those who had him in charge. They then started him running down the street and fell in behind him and before his captors, ostensibly as active and zealous pursuers. In this way, without any violence to the slave hunters, they kept the latter in the rear until the negro was lost to sight, and ultimately, by means of the historic underground railroad, he found his way into Canada!

Thus working at the printer's trade and attending court as opportunity offered Mr. Brawley passed a few months, but tiring of the life he determined to go further west and started for Iowa by stage. He first stopped at Freeport, Illinois, and then went on horseback to southern Wisconsin. On his return he met a minister who induced him to accept a school in Freeport until such time as he might be ready to enter upon the practice of his profession.

It was thus that Mr. Brawley became a resident of Freeport, where he made his home for twenty-three years, becoming the foremost member of the bar of that place. He was married there in 1850, to Miss Mary Reitzell, a daughter of one of the pioneers of Stephenson county, and establishing a home there was long identified with its interests. After teaching school for a year he was examined for admission to the bar by Madison Y. Johnson, Colonel Jason Marsh and Thomas Goodhue, and being licensed to practice entered upon his professional career in association with Hon. Martin P. Sweet, an able advocate and counselor, who greatly assisted his young partner in the active workings of the law. On the termination of their partnership Mr. Brawley became a partner of Hon. J. M. Bailey, subsequently one of the judges of the supreme court of Illinois, and the firm at once took a leading rank at the bar of Freeport, where they continued practice until 1869, when seeking a broader field they came to Chicago. They were retained as counsel on one side or the other of every important litigated interest of Stephenson county, and in matters of public importance outside the line of his profession Mr. Brawley was also a recognized leader. He served for two terms as county superintendent of schools and was long a member of the board of education of Freeport. He prepared the special charter under which the schools of Freeport have since been conducted, and which is recognized as formulating one of the best educational systems of the state. As a Douglas Democrat he interested himself in politics, and during one of the stirring campaigns early in the '50s he purchased and for a time edited the Freeport Bulletin, which was one of the most ardent champions of Democratic principles as represented by the distinguished Illinois senator. In 1852 a long and bitter contest for the postmastership of Freeport was waged between rival aspirants for the position, and it was suddenly terminated by the appointment of Mr. Brawley, who had been neither an applicant nor an aspirant for the position, and who, until he received his commission, had no knowledge that his name had been considered in connection with the office. He served in that capacity for six years, and during that period was several times elected city attorney of Freeport.

In 1869 Mr. Brawley returned to Chicago and from that time until his death, which occurred August 19, 1898, was a conspicuous figure at the bar

of the metropolis by reason of his versatility, his wide learning and his ability to determine with accuracy the special point in law that applied to the litigated interest. He had previously given his attention largely to railroad and insurance litigation, but on locating in Chicago did not confine himself to any one branch of the law and won splendid success in various branches of jurisprudence. His partnership with Judge Bailey continued until the latter's elevation to the bench, when he became a partner of Hon. Thomas J. Turner. His practice constantly grew in volume and importance, and from the beginning of his career as a legal practitioner his efforts have been attended with success. He mastered the science of jurisprudence, and his deep research and thorough preparation of every case committed to his care enabled him at once to meet any contingency that arose. His cause was fenced about with strong logic and his arguments were cogent, concise and followed each other in natural sequence, forming a chain of reasoning that his opponents found difficult to overthrow. Probably sixty cases with which he was identified were carried to the supreme court of the state, and in a considerable number of them important principles of law were for the first time clearly enunciated and important precedents established. A large and distinctively representative clientage attested his ability and he long ranked very high at the Chicago bar.

Previous to the World's Columbian Exposition of 1893 he was chairman of the society of Pennsylvania residents in Chicago, who enthusiastically and assiduously labored to have that fair held in Chicago, as it eventually was, the Keystone state, in congress, with almost entire unanimity voting for Chicago as the locality for the fair. Of the Knight Templar Commandery he was a valued and prominent member, and in the Protestant Episcopal church he also held membership. A man of scholarly tastes and studious habits, he spent many pleasant hours with his favorite authors, and his kindly impulses and charming cordiality of manner rendered him exceedingly popular among his many friends.

Judge Thomas Guilford Windes, of the appellate court of the first district, has been a member of the Chicago bar for almost a quarter of a century. He was born in Morgan county, Alabama, January 19, 1848, and is of Scotch descent, the original American ancestors of the family having come to the New World prior to the Revolutionary war. His father, Rev. Enoch Windes, was a minister of the Baptist church, and wedded Mary Ann Ryan, a lady of Irish lineage, whose people were among the pioneers of Kentucky.

Judge Windes was educated in an academy at Huntsville, Alabama, and was engaged in farming until sixteen years of age. He then entered the Confederate service as a cavalryman under General Forrest, and was at the front until the close of hostilities. He read law under the direction of the firm of Beirne & Gordon, of Huntsville, and in 1867-8 was a law student in the University of Virginia, after which he engaged in teaching school until admitted to the bar at Jasper, Tennessee, in 1870. Through the succeeding two years he engaged in merchandising and in farming, but, meeting with an accident, he

resolved to come to Chicago, and has since been identified with the interests of this city.

Judge Windes was employed in various ways until September, 1873, when he secured a situation as a law clerk. In the summer of 1875 he was admitted to the Illinois bar and has since engaged in practice. For some years he was associated in a partnership with Alexander Sullivan, and much important litigation fell to their share. In November, 1880, our subject was appointed master in chancery of the circuit court of Cook county and served for twelve years, when, in 1892, he was elected judge of the circuit court. In June, 1897, he was appointed to the appellate bench, and has long since demonstrated his right to be classed among the ablest jurists of the state. His decisions indicate strong mentality, careful analysis, a thorough knowledge of law and an unbiased judgment. He is also possessed of that self-control which enables him to lose his individuality and put aside all personal feelings and prejudices, in order that he may impartially and righteously dispense justice.

In 1868 Judge Windes was united in marriage to Miss Sallie C. Humphrey, daughter of Boyle P. Humphrey, a prominent planter of Madison county, Alabama. They have four children and reside in a pleasant home in Winnetka. The Judge is a Baptist in his religious views, and a Democrat in his political faith.

Eben Fitch Runyan.—Only five members of the Chicago bar in the present year, 1898, were practicing here at the time of Mr. Runyan's arrival in 1855. He may therefore be said to be one of the pioneer lawyers of the city, and through the four decades that have since come and gone he has ever occupied a prominent position in the foremost rank of the legal practitioners of the western metropolis. His life has been one of untiring activity and has been crowned with a high degree of success, yet he is not less esteemed as a citizen than as a lawyer, and his kindly impulses and charming cordiality of manner have rendered him exceedingly popular among all classes. The favorable judgment which the world passed upon him in his early years has never been set aside nor in any degree modified. It has, on the contrary, been emphasized by his careful conduct of important litigation, his candor and fairness in the presentation of cases, his zeal and earnestness as an advocate, and the generous commendation he has received from his contemporaries, who unite in bearing testimony as to his high character and superior mind.

Eben F. Runyan was born in Victory, Cayuga county, New York, December 3, 1831, and remained in his native town until the spring of 1838, when his father died and he was compelled to care for himself. His educational privileges were somewhat limited. He attended the common schools and later pursued his studies in the Waukegan Academy, of Waukegan, Illinois, when Hon. Francis E. Clark was principal, and his wife, then Miss Hannah Scott, was one of the teachers. Of a studious nature, Mr. Runyan, through his childhood and youth, spent much of his leisure time in the perusal of books and thus gained a broad knowledge which largely assisted him in the acquisition of legal lore. In the spring of 1849 he entered the store of Captain T. F. Comstock, at Wilton,

Saratoga county, New York, and remained in that employ until the spring of 1850, but he did not find that occupation congenial, although he gave entire satisfaction to his employer, and resolved to seek a home in the west. In April of that year he started for Illinois, making the journey almost entirely on foot, and from the 11th of June until March, 1853, was engaged during the summer months in farming in McHenry county, Illinois, while during the winter season he taught school. In the spring of 1853 he continued his own education in Waukegan Academy, and on leaving that institution entered upon the study of law in the office of W. S. Searls, being admitted to the bar in the spring of 1855. Then, as now, he believed that whatever is worth doing is worth doing well, and was so strict in his adherence to the rules, forms and principles of the text-books that for years after he commenced the practice of law he would not himself use, nor would he permit a student in his office to use, a blank in the preparation of a case for court.

In June, 1855, Mr. Runyan opened a law office in Chicago and from the beginning met with excellent success in his practice, which has always been of a general character, embracing many departments of the law, in all of which his knowledge is comprehensive and accurate. On the 1st of January, 1856, he formed a partnership with T. B. Brown, of Chicago, under the firm name of Brown & Runyan, an association that was maintained until 1859. His next partner was Daniel J. Avery, who had formerly been a student in his office, and under the style of Runyan & Avery they conducted a successful practice until 1870, when E. F. Comstock was admitted into the firm, and its style became Runyan & Comstock. Later, by the admission of other partners, it became Runyan, Avery, Loomis & Comstock. Mr. Loomis was admitted in 1872 and this relation was maintained until November, 1876. Since 1888 the present firm of Runyan & Runyan—father and son—has occupied a prominent position at the Chicago bar.

A contemporary biographer has said of the senior partner: "During the forty years Eben F. Runyan has been at the Chicago bar he has tried more cases than any other lawyer. He has attended strictly to business and has been at his office early and late. As a trial lawyer he is possessed of ability of a high order. He is devoted to the interests of his client and makes his cause his own. Whenever he sees defeat is certain, he never hesitates to advise a settlement. He has the happy faculty of sifting the evidence and presenting clearly and concisely to a court or jury the strong points in a case, and is a convincing speaker and successful lawyer." From another publication we quote the following: "Thoroughly skilled in the science which he practices, of great discernment, with a sharp faculty for analyzing evidence and a readiness of resource in argument, he has attained great prominence as a pleader at the bar; and his success is attested by numerous clients. He has won his way to the position of a leading lawyer of Chicago by the exercise of a well cultivated mind and a ceaseless energy. These qualifications, added to a fair-mindedness which enables him to see both sides of the question, perfect self-control

and a pleasing courtesy of manner, have won for him the respect and good will of his fellow members at the bar and will make him an ideal judge."

In the spring of 1898 he was nominated for judge of the circuit court on the united silver ticket.

The subject of this review is a member of the Law Institute; in politics he has always been a stanch Democrat; and from 1864 until 1874 he was a member of the board of education of Chicago, and has always been deeply interested in the welfare of the city schools. He served as vice-president of the board and was twice elected its president. Upon the organization of the board of park commissioners of West Chicago, he was appointed by the governor one of its members and was connected with the board for about seven years, his efforts being largely instrumental in the establishment of the three splendid west side parks and the boulevards connecting them. He has been a man of great activity and enterprise and has done much to develop the resources of Chicago. In religion he adheres to the Baptist faith, and is a member and trustee of the Fourth Baptist church. He resides at No. 804 Walnut street and has many warm friends in the city, some of forty-three years' standing, the whole period of his residence in Chicago.

On the 2d of January, 1860, Mr. Runyan was married to Miss Flora R. Avery, of Waukegan, Illinois, and to them have been born six children, one of whom is Mr. Runyan's law partner.

Otto Gresham, who for five years has engaged in the practice of law at the Chicago bar, was born on the 30th of January, 1859, in Corydon, the old capital of Indiana, and is the only son of Judge Walter Q. and Matilda (McGrain) Gresham. His preliminary educational training was supplemented by study in Santa Clara College, of Santa Clara, California, and in Wabash College, of Crawfordsville, Indiana, and he graduated in the latter institution with the class of 1881. With the example of his illustrious father to serve as inspiration and encouragement, and prompted by his own tastes and inclinations, he took up the study of law in the office of Baker, Hord & Hendricks, of Indianapolis, and the following year was admitted to the bar; but though his progress was rapid and his efficiency satisfactory for his admission, he was not content with his preparation and entered the Columbian Law School, of Washington, D. C., in which institution he was graduated in the class of 1884.

Mr. Gresham then returned to Indianapolis and began the practice of law. His was the usual experience of the members of the profession to whom success comes only as they demonstrate their ability. Wealth and influence cannot gain advancement in the law and realizing this Mr. Gresham applied himself earnestly to his work, and won advancement through his ability to handle successfully the intricate problems of jurisprudence. In 1889 Governor Hovey offered him the appointment to a place on the circuit bench to fill a vacancy, but he declined the honor and continued in the private practice of law in Indianapolis until 1893, when he came to Chicago. He is now enjoying a liberal clientage and is recognized by the profession as a lawyer whose talents and energies will win him still greater success. He is a member of the Indianapolis Bar Association, the

Chicago Law School, the University Club, the Chicago Athletic Club, the Calumet Club and the Beta Phi Pi, a college fraternity.

John C. Black.—As a distinguished member of the bar, as a statesman of prominence, on the lecture platform and in Grand Army circles, General John Charles Black is so well known that he needs no introduction to the readers of this volume. His career has conferred honor and dignity upon the profession and civic organizations with which he is associated, and there is in him a weight of character, a native sagacity, a far-seeing judgment and a fidelity of purpose that commands the respect of all.

General Black was born in Lexington, Mississippi, on the 27th of January, 1839. His parents were Pennsylvania people, and his father died in 1847. In March of the same year the son came to Illinois,—being then only eight years of age,—and has since been a resident of this state, living at different times in Danville, Champaign, Urbana and Chicago. For four years he was in the military service of his country.

Prompted by a spirit of patriotism he volunteered on the 15th of April, 1861, and as a private soldier and non-commissioned officer served with the Eleventh Indiana Infantry. He afterward became colonel of the Thirty-seventh Regiment of Illinois Volunteers, and brevet brigadier general. Until the 15th of August, 1865, he remained in the army that fought for the perpetuation of the Union, and was absent from the front for only one month, during which time he was recruiting a company for the field and while suffering from wounds. He was twice wounded and his injuries resulted in the incapacitating of both arms for many years.

At the time he joined the army General Black was pursuing the work of the junior year in college, and by his own labor was meeting the expenses of the course. Upon his return from the south he took up the study of law, and is now a practitioner at the bar of the various state and federal courts, including the United States supreme court. He first opened a law office in Danville and subsequently engaged in practice in Champaign, where he soon secured a lucrative and extensive patronage, being for some time in command of one of the largest law practices in central Illinois. During this time his fitness for leadership and his comprehensive understanding of the political problems of the day gained him prominence in the Democratic party, of which he has long been a stanch adherent, and he was frequently engaged in labors for the advancement of the party's interests. On the 7th of March, 1885, he was appointed by President Cleveland to the position of commissioner of pensions and continued in that office until March 27, 1889, when he tendered to President Harrison his resignation.

On the 29th of May, 1889, General Black took up his abode in Chicago and resumed the practice of law, his marked ability, wide legal lore and accuracy in the application of judicial principles to the points in litigation securing to him a distinctively representative clientele. His party, however, was not content that he should devote his talents entirely to the law, and in 1892 he was nominated a candidate for congressman at large. Elected in the fall of that year,



Very Truly Yours
Wm L Black.

1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

2. The second part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

3. The third part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

4. The fourth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

5. The fifth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.



Very Truly Yours
John C. Black.

he served from the 4th of March, 1893, until December, 1894, when he resigned in order to accept the position of United States district attorney for the northern district of Illinois, to which he was appointed by President Cleveland, and to which he qualified January 12, 1895. He, until January, 1899, occupied that office, and he has maintained a general practice, in both the state and federal courts. He has successfully conducted some of the most important cases ever heard in those courts. The essential qualifications of the truly great lawyer are his,—comprehensive knowledge of the principles of jurisprudence and familiarity with the long line of decisions, careful preparation of cases and the logical assembling of the points in evidence, combined with a clear, cogent and forceful presentation of the case to judge or jury. He has, too, a full appreciation of the allegiance which he owes to the majesty of the law, and realizes that the duty of the lawyer is to aid the court to arrive at just conclusions, and no member of the profession is more careful to conform his practice to a high standard of professional ethics.

General Black is also an orator of ability, and under the adornments of rhetoric is the substratum of deep thought and earnest purpose which never fails to hold the attention of his auditors. Three of the speeches which he delivered while in congress attracted general attention, one on the Hawaiian question, another on the subject of pensions, and a third delivered on the occasion of the presentation of the bronze statue of General Shields by the state of Illinois to the United States. The General is frequently called upon to address public assemblages on matters of importance and general interest. At different times he has delivered addresses on John Marshall, on U. S. Grant, and on Abraham Lincoln, and on the 23d of April, 1888, he addressed the Iroquois Club in a most pleasing manner on the subject of Triumphant Democracy. His prominence in Grand Army circles is shown by his election, in the spring of 1898, to the position of department commander of the Illinois G. A. R. He has also been elected commander of the Illinois Commandery of the military order of the Loyal Legion of the United States.

In 1867 General Black was united in marriage to Miss Adeline L. Griggs, who has ever since been to him a wise and encouraging companion and helpmate. To them have been born four children: Grace, now the wife of F. B. Vrooman; John, a promising attorney; Josephine L., who died at the age of six years; and Helene, who completes the family.

Such in brief is the history of one of Chicago's representative citizens. Popular among his army comrades, accorded recognition for his high legal talents, admired for his splendid oratorical ability, and esteemed for his genuine worth,—this is the summary of the life and character of General John C. Black.

Adolph Moses is a prominent member of the Chicago bar, where he has practiced for almost thirty years. The bent of his mind is analytical and critical, a characteristic which not only ably fits him for his chosen calling but also enables him to gain the essence of all literary productions, to determine with accuracy the underlying principles of all measures of state, and to catch with special quickness the permeating truth of any argument or line of thought that

may be presented by a speaker. His criticisms therefore are the logical deductions of his analysis, and are ever comprehensive in their understanding and correct in conclusions.

A native of Germany, Mr. Moses was born in Speyer, the capital of the Palatinate, February 27, 1837, and in the public and Latin schools of that country prepared for the study of law, being destined for that profession by his parents as well as by his own taste and inclinations. Race prejudice, however, made it difficult for him to gain advancement in Germany, and accordingly he came to the "land of the free," arriving at New Orleans on the 22d of December, 1852. For some years he was a law student in the Louisiana University under the preceptorage of Randall Hunt, Christian Roselius, Alfred Hennen and Judge Thomas M. McCaleb. Graduated in March, 1861, he was then admitted to practice at the bar of Louisiana and entered upon his professional career. However, the events in that period of our national history caused him to put aside all personal considerations for the time being. Having spent nine years in the south, and naturally imbued with the sentiments common to all classes in that state, his sympathies went out to the Confederacy, and as one of the officers of the Twenty-first Louisiana Regiment he served for nearly two years.

On the expiration of that period Mr. Moses came north and took up his residence in Quincy, Illinois, where he remained until 1869, and since that time he has been a member of the Chicago bar. To occupy a foremost place in the legal profession in this city with its hundreds of lawyers demands a superior skill, a comprehensive knowledge of the science of jurisprudence and extreme accuracy in the application of its principles to the points in litigation, and such elements are characteristics of Mr. Moses' law practice. The extent and variety of his legal business can be seen by reference to the reports of the supreme and appellate courts, where the briefs and arguments of his firm are of frequent occurrence. As a lawyer he is exceedingly painstaking, of good judgment as to the merits of a controversy, and especially devoted to the interests of his clients. His manner in court is one of eminent courtesy and fairness to judge, counsel and jury, but he is also very independent and firm in his relations to bench and bar. As a speaker he is clear in his statements and forcible in delivery. The judge gives him undivided attention, and the jury follows his compact sentences with unflagging interest to the end.

Mr. Moses is also a writer of force and merit and has now in process of compilation a work entitled "Rambles through the Illinois Reports," which commenced with the first volume of the Breese Reports and has already reached volume 19. It is intended by the editor to illustrate the judicial, political and social history of the state and its people through the adjudicated cases, and to accompany them with all sorts of biographical data. Mr. Moses is a valued member of the American, Chicago and State Bar Associations, and of the last named has served twice as vice-president.

In 1890 he founded the National Corporation Reporter, a journal devoted to the interests of business corporations, and whose sole editor he is. He has

also established the United States Corporation Bureau, which has for its object the collection of information in regard to corporations.

At the opening of the consolidated supreme court in October, 1897, Mr. Moses was selected by the bar of Illinois to deliver the address of welcome to the court, which is published in extenso in the annual report of the State Association, of 1898.

In 1869 Mr. Moses was married, and his two sons are members of the law firm of Moses, Rosenthal & Kennedy, of which their father is the head. In politics he is a conservative Democrat, and in 1879 received the nomination of his party for judge of the superior court, but failed of election. He has never been ambitious for political preferment, but consented to act as one of the directors of the Chicago Public Library, filling that responsible position for a term of six years, and as chairman of the library committee he gave the library special attention which advanced the institution in no small degree. He is a member of various social, benevolent and political organizations, including the Masonic fraternity, the Standard, Lakeside and Iroquois Clubs, and the Independent Order of B'nai B'rith, of the national convention of whose lodges he was the first president in 1869. He is also a member of the Sinai Congregation, presided over by Dr. Emil G. Hirsch. He resides at 4139 Drexel boulevard.

George W. Newcomb.—A lawyer in whom is placed implicit reliance and whose practice has been to a very large degree in that department of the law which demands of its representatives the utmost reliability and most unswerving fidelity to the interests entrusted to his care, is George W. Newcomb, who as a law clerk became identified with the legal business of the city in 1852 and who for forty-five years has been a licensed member of the Chicago bar. Although his practice has been of such character as not to bring him conspicuously before the attention of the public, as does that of the criminal lawyer, nevertheless he holds an enviable position in the ranks of his professional brethren and stands as a worthy exponent of those principles of jurisprudence which, having for their foundation true justice, are as eternal and unalterable as the everlasting hills.

George Whitfield Newcomb was born in the little village of Putney, Windham county, Vermont, on the 12th of April, 1825, and is descended from some of the most notable families of America. His ancestry can be traced in direct line to Governor William Bradford, the first governor of Plymouth colony, who with the historic band of Pilgrims on the Mayflower made the first settlement on the bleak New England coast. His ancestors also include several Revolutionary heroes who valiantly fought for the independence of the nation. His grandfather, William Newcomb, was a private in the colonial army and was with Washington's command in Pennsylvania when several times it waded the Schuylkill river during a winter's night. He was with the party that rowed General Washington's boat through the icy water of the Delaware river on the terrible night preceding the battle of Trenton. Another of the early ancestors, Lieutenant Andrew Newcomb, was in command of the fortifications for a period during King William's war in the latter part of the seventeenth century; and others

gallantly served their country in the Revolution, including Governor Bradford's son, Major William Bradford, whose service has become a part of the history of that period.

The parents of Mr. Newcomb were Asahel and Lucinda (Sykes) Newcomb, and when the son was three years of age they removed to Whitestown, New York, where he acquired his preliminary education. At the age of fourteen he entered Whitestown Academy, and while a student there had awakened within him a desire to attend college. He pursued a preparatory course in Whitestown Seminary, and became a sophomore in Hamilton College in 1846. He had scarcely matriculated when he accepted an offer of twenty dollars per month and board to teach school at Sherburne, Chenango county, New York, as he was entirely dependent upon his own resources for the means of carrying him through college. He devoted his leisure time to the study of the branches taught in the regular college course, kept abreast of the class and in the third term of the sophomore year was again enrolled as a student in Hamilton College, where he won the degree of Bachelor of Arts, in 1849. Accepting the principalship of Ames Academy, of Montgomery county, New York, he continued in that position until chosen principal of the Utica Academy, of Utica, New York, but after a few weeks' service in the latter capacity ill health forced him to resign.

After some months, having somewhat regained his strength, he determined to seek health and a business opening in the west, which offered an attractive field to the ambitious young man who was determined to work his way upward by his own efforts, conquering an adverse fate by determined purpose and unabating energy. Accordingly in July, 1852, Mr. Newcomb arrived in Chicago, but afterward spent a few weeks in visiting relatives in Kane county, Illinois, and friends in Waukesha, Wisconsin. He then returned to Chicago and with a cash capital of twenty dollars and a half began life in the western metropolis, which, however, at that time gave little indication or promise of its present prosperity and greatness. He saw a sign in an employment office saying that a clerk who could speak German was wanted in a law office; but on entering he was told that the information as to the position would cost him fifty cents. At that time fifty cents seemed to him a large capital, but he finally paid it and was told that the law office was just across the street, and though a German-speaking clerk was preferred one who could not speak that language would not be declined. Thus he became an employe in the office of Skinner & Hoyne, at a salary of two dollars per week. It would have been impossible for him to meet his expenses had not Mr. Hoyne gone on a vacation about that time and asked the young clerk to room at his residence and protect his family.

While pursuing his clerical duties Mr. Newcomb devoted all his leisure time to the study of law, and in February, 1853, was admitted to the bar; but after practicing for a short time he was offered and accepted the position of cashier in a private bank, where he remained for two years, when he entered upon an independent business career. He has given his time and attention mostly to probate-court work and to the real-estate branch of the law, such as examining titles, conveyancing, settlement of estates, etc.; while the business of

loaning money on real-estate security gradually increased until it claimed much of his time. The acquaintances which he made while in the bank placed money in his hands to loan after he had severed his connection with the bank, and friends of theirs in the east also trusted Mr. Newcomb with large amounts of money to invest in mortgages. In the line of his profession he has been very successful and as a probate and realty lawyer has had charge of some very important litigated interests.

On the 1st of February, 1860, Mr. Newcomb was united in marriage to Miss Mary Eliza Eddy, daughter of Azariah and Harriet M. (Hooker) Eddy. Mrs. Newcomb was a lady of marked culture and refinement, of brilliant intellectual endowments and most kindly and generous disposition. She found her greatest pleasure and happiness in ministering to those of her own household and in relieving the needs of the poor or suffering. Through the last years of her life she was in ill health, but she bore her sufferings uncomplainingly and by her cheery and helpful disposition made sunshine in the home. Her death occurred September 11, 1892, and six children were left to share with the husband in his great loss. Since 1860 Mr. Newcomb has occupied his comfortable residence at No. 236 Warren avenue, and there his children have all been born, namely: Mary Harriette, wife of Edward J. Vaughan, of Chicago; George Eddy, a well known lawyer of Chicago; William Henderson, who is also a member of the legal fraternity; Helen Maria, now Mrs. U. G. Couffer; Bessie Jeanette, and Francis Herbert.

Mr. Newcomb has membership connection with, and is a valued representative of, the old Tippecanoe Club, the Sons of Vermont, the Illinois Sons of the American Revolution and the Society of the Colonial Wars. In ante-bellum days he was strongly opposed to slavery, and when the Republican party was formed of those who shared his views he became one of its loyal and earnest advocates. He served as supervisor of Cook county under the early township organization, and in 1876 led the Republican ticket as the candidate for Cook county commissioner. He has always been zealous in his advocacy of any movement or measure for the public good, and stands among those representative Americans who place the national welfare before partisanship, and the public prosperity before self-aggrandizement. This review would be incomplete without mention of what is perhaps Mr. Newcomb's strongest characteristic,—his fidelity to every trust reposed in him; and to do this we probably can not do better than to quote from a contemporary biography which said: "While Mr. Newcomb was engaged in loaning money and making investments, he formed the acquaintance of Dr. Swayne Wickersham and there sprang up between them a friendship ideal in character and terminated only by death. No one was better able to judge of the character and life of Mr. Newcomb than the Doctor, who knew him so long and intimately. He left a characteristically short and concise will, consisting of seventy-four words, divided into four clauses, the fourth clause reading as follows: 'I appoint my old friend, George W. Newcomb, of Chicago, my executor, and I direct that no bond be required of him; he is an honest man.' Much that is laudatory might be written of Mr. Newcomb,

but what is more eloquent than this simple tribute of one who knew almost his every thought and action? It expresses the general opinion, for all who know him have for him the utmost confidence and highest regard."

Merritt Starr* is one of the sons of the Empire state who has achieved eminence in this great commonwealth. A native of Ellington, Chautauqua county, New York, he is a descendant in the ninth generation of Dr. Comfort Starr, of Ashford, Kent, England, who in 1635 crossed the Atlantic in the sailing vessel *Hercules* and took up his residence in Boston, and whose second son, Comfort Starr, A. M., of Emmanuel's College, Cambridge University, was one of the founders and a member of the charter board of Fellows of Harvard College. On the maternal side, Mr. Starr is descended from John Williams, who was a member of the Rhode Island senate during the Revolutionary war, and a grandson of Roger Williams, the founder of the colony of Rhode Island. Both of the families were represented in the American army during the struggle for independence.

In his early boyhood Mr. Starr's parents removed to Rock Island, Illinois, where he attended school preparatory to entering Griswold College at Davenport, Iowa. Later, he was a student in Oberlin College, from which he received the degree of A. B. in 1875. Having become imbued with the desire to enter the legal profession, he read law for three years in the office of the attorneys for the Chicago, Burlington & Quincy Railroad Company, and in 1878 entered the college and law departments of Harvard University, at which he was graduated in 1881, and received the degrees of Bachelor of Arts and Bachelor of Laws. The degree of Master of Arts was subsequently conferred upon him by Oberlin College.

Upon graduation at Harvard, Mr. Starr came at once to Chicago, was admitted to the bar and entered upon a successful professional career. His first professional work was the preparation of briefs for some of the prominent attorneys of Chicago. While he was thus engaged, he prepared and published some valuable contributions to legal literature. Among these are Starr's Reference Digest of Wisconsin Reports, the practice chapters in the treatise known as Gould on the Law of Waters, and, in connection with the late R. H. Curtis, Starr and Curtis's Annotated Statutes of Illinois. He was the first editor of the decisions of the supreme court of Illinois for the *Northeastern Reporter*, and held that position two years, at the end of which time he was forced by the demands of growing private business to resign it. He has been a frequent contributor to legal publications, is an orator of recognized ability, and is listened to often and with pleasure by local clubs, law societies and popular audiences. On the suspension of the Indiana banks in 1883, he conducted the litigation carried on in Chicago on behalf of their creditors and established in the supreme court of Illinois the then novel doctrine that banks must hold the entire funds of the garnished depositor for the benefit of all the creditors who may thereafter perfect claims under the statute. In these important and warmly contested cases

*Sketch prepared by E. B. Sherman.

he met the late W. C. Goudy, the firm of Jewett, Norton & Larned, and other leaders of the Chicago bar. Mr. Starr was honored with the friendship of the late Corydon Beckwith, ex-judge of the supreme court of Illinois, and assisted him in important matters.

In 1890 he formed a partnership with Hon. John S. Miller, ex-corporation counsel of Chicago, and ex-Senator Henry W. Leman, under the firm name of Miller, Starr & Leman. Two years later the junior member of the firm retired, but Messrs. Miller and Starr continued their business relations, and in the autumn of 1893 became associated with Colonel George R. Peck, then general solicitor of the Atchison, Topeka & Santa Fe Railway Company, and more recently general counsel for the Chicago, Milwaukee & St. Paul Railway Company. The firm of Peck, Miller & Starr occupies a prominent position at the Chicago bar. It has for years represented the Railway Conductors' Association, and the Chicago Live Stock Exchange, the latter being charged with the duty of protecting the rights of stock shippers and commission men of Chicago against a combination of large ranch owners and other corporate interests, the firm thus representing both corporations and laboring men. The firm has also acted as the legal counsel for the Chicago Public Library Board, Chicago General Railway Company, the Mercantile Trust Company of New York, the Boston Safe Deposit & Trust Company, and other large corporations.

Mr. Starr possesses marked individuality and originality. His opinions are neither inherited nor acquired from others, but are the result of his own careful and conscientious investigation and deliberation. As a lawyer, he is distinguished for clearness of perception, tireless industry and keen discrimination. In an important case his brief gives indubitable evidence of exhaustive research, legal acumen, forcible statement and faultless logic. But he is not content with being a lawyer. He is a man of wide and generous culture. An omnivorous reader, he is familiar with the best books, classic and modern, and being blessed with a memory loyal to its trust he can, when occasion demands, bring forth from the rich storehouse of the world's wisdom treasures new and old. Not unfamiliar with art, science and philosophy, his greatest delight is in the domain of literature, wherein he finds rest from professional toil.

He is a true and steadfast friend, a genial companion, prizing all the amenities and courtesies that make life pleasant and friendship valuable.

Recognizing his obligation as a citizen, Mr. Starr has taken an active part in every effort to improve municipal government, and labored earnestly in securing the passage of the law by which the merit system has become operative in Chicago.

He adheres to the principles of the Republican party, believing them best to conserve the public good. He is connected with various societies and organizations for the promotion of social, literary and philanthropic aims and purposes, and is a member of the Union League Club, the Chicago Literary Club, the Congregational Club, the Chicago Bar Association, the Illinois State Bar Association, the American Bar Association, and the Chicago Law Institute, of which

latter he was president for two terms. He is also a trustee of Oberlin College, and keeps in close touch with Harvard University, his cherished alma mater.

Mr. Starr was married September 8, 1885, to Miss Lelia Wheelock, of Cleveland, who was a fellow student in Oberlin College. Mrs. Starr is a member of the Chicago Woman's Club, and takes an active interest in literary and philanthropic work.

Albert N. Eastman.—For eleven years Albert N. Eastman has been a member of the Chicago bar, and in that time has gained a good clientage. His law studies were pursued in this city, although his literary education was acquired in Ohio, his native state. He was born in Kingsville, Ashtabula county, October 17, 1864, and is a representative of a pioneer family of that state. The first representative of the Eastman family in America came to this country in 1630. Our subject's grandparents were Porter and Phoebe Eastman, early settlers in the Western Reserve, and the former became a prominent and influential citizen of northern Ohio. He not only gave his support and influence to all educational and moral interests, but also became one of the conductors on the "underground railroad," and through his agency many a slave was assisted on his way to Canada and freedom. The parents of our subject were Henry A. and Sarah F. (Parrish) Eastman, who in 1872 removed to Chicago, but in 1876 returned to their old Ohio home. The father went to California in 1852 and was one of the first prospectors in the Virginia district, in which Mackey, Fair, Flood and other millionaires were subsequently interested. Early in the '60s, in connection with two of his cousins, he founded a branch of Eastman's Business College in Chicago, and in 1872 he was connected with the Chicago board of trade.

Our subject was educated in the common school and the academy of Kingsville, Ohio, and later was graduated in the high school of Ashtabula, that state, and completed a collegiate course under the direction of Rev. Joseph N. McGiffert, a prominent Presbyterian minister of Ashtabula. Thus with a broad general knowledge he came to Chicago, where he began preparation for the bar as a law student in the office of Smith & Helmer, being admitted to the bar in May, 1887, having successfully passed an examination before the supreme court of Ottawa, Illinois. In September, following, he entered the office of Weigley, Bulkley & Gray, of which firm he subsequently became a partner, and on the 1st of May, 1895, this firm dissolved and the senior member and Mr. Eastman formed the firm of Weigley & Eastman. This firm was dissolved in June, 1896, since which time Mr. Eastman has been alone in the practice, having with him clients of many years of standing and constantly building a large business. He is a close and careful student of the law and faithful to the interests entrusted to his care.

In his political adherency Mr. Eastman is a Republican, and in his religious belief is a Congregationalist. He is a member of the Congregational and Lincoln Clubs, and was formerly a director and president of the latter. In July, 1889, he married Miss Myrta E. Hopkins, a native of Ashtabula county, Ohio, a daughter of William L. Hopkins and a granddaughter of Alden W. Walker, one of the pioneer Methodist ministers of that state.

Judge Julius S. Grinnell.—No compendium such as the province of this work defines in its essential limitations will serve to offer fit memorial to the life and accomplishments of the honored subject of this review,—a man remarkable in the breadth of his wisdom, in his indomitable perseverance, his strong individuality; and yet one whose entire life had not one esoteric phase, being an open scroll inviting the closest scrutiny. True, his were “massive deeds and great” in one sense, and yet his entire accomplishment but represented the result of the fit utilization of the innate talent which was his, and the directing of his efforts along those lines where mature judgment and rare discrimination led the way. There was in Judge Grinnell a weight of character, a native sagacity, a far-seeing judgment and a fidelity of purpose that commanded the respect of all. A man of indefatigable enterprise and fertility of resource, he carved his name deeply on the civil and political history of Illinois.

Julius Sprague Grinnell was born in Massena, St. Lawrence county, New York, in 1842, and is of French-Welsh ancestry, although his more immediate progenitors for several generations were natives of New England. The town of Grinnelle, France, now an important manufacturing center near Paris, was named in honor of the family. Representatives of the name emigrated from France to Wales and thence to this country, one branch of the family being founded in New York, a second in Connecticut and a third in Vermont. It is from the last that our subject was descended. His parents were Dr. A. H. and Alvira (Williamson) Grinnell, both natives of the Green Mountain state.

In the common schools of Massena, Judge Grinnell acquired his preliminary education and prepared for college in Potsdam Academy, of St. Lawrence county, New York, after which he matriculated in Middlebury College, of Middlebury, Vermont, in 1862. On the completion of the regular four-years course he was graduated, in 1866, ranking high in his classes, and during his young manhood foreshadowed future success in whatever profession he might engage, by his earnestness of purpose, close application and ready use of his strong mental endowments. With a view of entering the legal profession he entered upon the study of law in the office of Hon. William C. Brown, of Ogdensburg, and was admitted to practice by the supreme court of New York in 1868. He immediately afterward began practice in that city, where he remained for two years, and during that time was also a teacher in the Ogdensburg Academy for a year.

In December, 1870, Judge Grinnell arrived in Chicago and entered upon what proved to be a most brilliant and successful career at a bar that numbers among its members some of the most distinguished lawyers and jurists of the nation. He was almost an entire stranger here, having but two acquaintances in the city, but with a hopeful and resolute disposition he resolved to win a name and place for himself. One of the decided characteristics of his nature was self-reliance, backed by decision of character, and the public accorded him the credit of possessing integrity and sincerity. With these qualities he was not long in taking his place among the rising lawyers of the city, and ere he had reached the close of his labors he had attained distinguished preferment as one of the leaders of the Chicago bar. When the great fire of 1871 came and swept

the main business portion of Chicago out of existence, he had scarcely gained a foothold in his practice; but in the reorganization and re-establishment of business he was one of the number who had the force, courage and confidence in the rebuilding of the city to assert himself and resume practice with renewed energy. In 1879 he was elected city attorney on the Democratic ticket, when that party was largely in the minority, and easily earned re-election in 1881 and 1883. In 1884 he was called by the vote of the people to the position of state's attorney, being the only one elected on his ticket, a fact which indicates the personal popularity he enjoyed and the high confidence reposed in him. In that capacity he carried forward more important, distinguished and successful prosecutions of public offenders than stand to the credit of any other man in the history of Chicago,—perhaps in any city of the country or the world. In 1884 arose the famous election conspiracy case against Joseph C. Mackin, secretary of the Democratic state central committee, William J. Gallagher, and others. The crime, if successfully carried through, would have changed the political majority in the state legislature and caused the election to the federal senate of a Democrat in the place of General Logan, the Republican candidate. Although Judge Grinnell was an earnest advocate of the Democracy, he was most vigorous and diligent in the prosecution of the case, for personal interest, fear or favor could not deter him from a course which he believed to be right and just. The trial for tampering with the ballots and returns was, in the United States district court, conducted by General Tuthill, district attorney, General Stiles, General Hawley and Judge Doolittle. Mackin was also indicted in the state court for perjury, and the case was prosecuted by Mr. Grinnell, General Stiles and Mr. Longenecker. Mackin was found guilty in both courts and sent to the penitentiary. The next great trial that was carried to a successful issue by Mr. Grinnell was that of the "boddler" county commissioners in 1885, when William J. McGarigle, Edward S. McDonald and several others were convicted. Next it fell to Judge Grinnell's lot to manage the indictment, arrest, trial and conviction of the anarchists, Spies, Parsons, Schwab, Lingg, Fielden, Engel and Fischer, that very remarkable prosecution which resulted in vindicating law and order by the signal discomfiture and condign punishment of their assailants. In speaking of Judge Grinnell in connection with the last two mentioned cases, Luther Laffin Mills said: "His labors in these two trials were long continued and would have broken down an ordinary man. He was the master spirit in the prosecution, although, in addition to his regular assistants, General Stiles in the boodle case and George C. Ingham in the anarchists' trial also appeared for the state. In the former case no appeal or any kind of persuasive influences could swerve him from his duty; and in the latter no threats of personal violence could deter him. In both he was successful. Although a man successful in politics, he was in his office absolutely independent of the politicians. He regarded his high office as a public trust, and showed neither fear nor favor where the people's interests were involved. He was a man of remarkable abilities; he was a man of duty."

In addition to the cases previously mentioned Judge Grinnell secured four convictions in the Italian trunk murder case, conviction in the Mulkowski

murder case and in others of considerable importance. His readiness, his ability, his resolution, his legal acumen and his eloquence drew to him the attention of the entire public and resulted in his election to the circuit bench, in 1887, where he served with a degree of acceptance which only added judicial distinction to the fame he had won as an advocate; but in 1890 he resigned his judgeship to accept the position of counsel for the Chicago City Railway Company, which incumbency he retained until his death.

Judge Grinnell was married on the 5th of October, 1869, to Miss Augusta Hitchcock, a daughter of Dr. William Hitchcock, of Shoreham, Addison county, Vermont. Their home life was ideal. They had two children: Robert, a student in the Michigan State University, at Ann Arbor; and Bertha. It seemed that Judge Grinnell could not do too much for his family and he counted no personal sacrifice too great if it would enhance the welfare and happiness of his wife and children. He was also a popular and valued member of several clubs and civic organizations, including the Masonic fraternity, the Chicago Club, the Union League and Iroquois Clubs and the Chicago Bar Association. Judge Hanecy said of him: "He was the most genial man I ever met;" and it was this quality as well as his superior ability and sterling rectitude of character that so endeared him to those he met and made his circle of friends coextensive with the circle of his acquaintances.

At his death, which occurred June 8, 1898, the highest tributes of respect and honor were paid to him by his fellow members of the bar. Judge Kohlsaatt said: "I had known Mr. Grinnell for twenty years,—when he was city attorney, state's attorney and judge. As state's attorney he was simply magnificent. I always considered him as one of the strongest men ever elected by the vote of the people of Cook county. His conduct in the boodle and anarchist cases was that of a fearless, earnest and most efficient public officer. Personally he was a lovable man. He had hosts of friends, and few of us will be missed as will Julius S. Grinnell." Another said: "He was a man of remarkable abilities and force of character, and a lawyer of the front rank. In high places of official life he was a devoted and brave servant of the people. His memory will abide in our community as that of a man who in private walk and public station unflinchingly did his duty and did it well."

The funeral of Judge Grinnell was attended by committees representing the Iroquois Club, the Chicago Bar Association and the Union League Club, and the last named passed the following resolution, which is certainly a fitting tribute to one of Chicago's most distinguished citizens:

"Whereas, Julius S. Grinnell has suddenly passed from earth, it is but fitting that we, his friends and associates in the Union League Club, testify to our affection for him and speak our deep appreciation of his noble, manly life.

"We recall the splendid courage of his attack on corrupt misgovernment. We know how he jeopardized his life in defense of organized society under the law. We know how his clear appreciation of justice was tempered always by human kindness, so that those whom he was forced to punish afterward became his friends.

"With all his great name he remained the simple, most democratic of men, freely giving the best of his ability to the humblest who came in trouble. Nor did he ever turn a fellow man away in distress. A more open-hearted friend we cannot conceive; a truer American we cannot name. It is the pride of our nation that for such character, such power and such indomitable will there lie open the highest places, and that simple manliness goes step by step with great achievement.

"Resolved, That we tender to the bereaved family of our friend our deepest sympathy, feeling that, in that they have known one of the truest and most lovable of men in the dearest relation of life their sorrow will be harder to bear, but their pain will be mitigated by the assurance that our departed friend has left a heritage of priceless worth,—the memory of a life well lived, an example worthy of emulation by all."

Thomas Dent, a veteran member of the Chicago bar, entered into practice in his twenty-third year, while residing at Hennepin, in Putnam county, Illinois, in which county he was born November 14, 1831. His parents were among the early residents of that county, having settled there in that year, upon their removal from Muskingum county, Ohio, where the father, George Dent, was chiefly reared, his father having been a pioneer settler there before coming to Putnam county, as he did at an early day. In Mr. Dent's ancestry, traced back to Maryland and Virginia, sturdy pioneers for a few generations back, pursuing creditable careers, and holding positions of public honor and trust, corresponding with educational and other advantages, would be numbered.

While residing in Putnam county, George Dent, father of the subject of this sketch, held sundry public offices, including those of clerk of the county commissioners' court, county recorder, clerk of the county court, master in chancery, county judge, and member of the general assembly; and later in life, removing to Minonk in Woodford county, he was honored with offices there. The scholastic training of Thomas Dent was mostly in the district schools near his home in Illinois, though he attended school for a short time in Ohio during a temporary residence there. He endeavored when drawn into work and away from the schools at an early age to supplement the foundation which faithful and efficient teachers had helped him to lay. His taste for legal work was much promoted by environment and by his business training, which began in his thirteenth year, at first with attendance at times in the clerk's offices and recorder's office in Putnam county, under the late Oaks Turner, a careful and capable official. When Mr. Dent was nearing the age of sixteen his father began to fill those offices, and the son became more continuously connected with the work. While thus engaged he prosecuted legal studies, and was benefited by the examples, and in the direction of such studies, by the practical aid of able members of the bar with whom he was thrown into contact. Soon after his entrance into the profession he was entrusted with the management of a variety of important causes at his home and elsewhere in the state, in the courts of the state and also in the federal courts. He received much encouragement in the character

of business committed to his care in early professional life. While residing in Putnam county he compiled tract and other indices to the land records.

He has been a member of the Chicago bar almost continuously since early in 1856, when he entered into partnership with Hon. Martin R. M. Wallace, whom he had known at Ottawa, Illinois. The following year inducements to remove to Peoria led him to open an office there; but his connection with cases of much importance required his attendance in Chicago, and after a short time he resumed his residence there. In 1860 he formed a partnership with Hon. Alfred W. Arrington. This association, under the name of Arrington & Dent, came into marked prominence, and was terminated only by Judge Arrington's death, in December, 1867. A few months later the firm of Dent & Black was organized, the junior member, William P. Black, having been a student with Arrington & Dent for a time prior to entering into practice at Danville, Illinois. The association of Dent & Black was continued with much satisfaction for many years. They were for a time the senior members of the firm of Dent, Black & Cratty Brothers. Mr. Dent has since had with him for a time Edwin Burritt Smith of the Chicago bar, and later Russell Whitman of the same bar, under the firm names of Dent & Smith and Dent & Whitman, respectively.

He has had a large and varied experience in legal work in many lines, involving the trial of causes in different parts of Illinois, and in other states and localities, as well as in the supreme court of the United States. His practice has required an extensive knowledge of legal principles, keen and careful analysis, and earnest preparation.

He has served as president of the Chicago Law Institute, of the Illinois State Bar Association, and of the Chicago Bar Association, respectively, and takes a lively interest in the profession and in matters pertaining to the welfare of his adopted city. In contributions to the press and in addresses on various occasions at intervals Mr. Dent has not been inactive, although his regular professional work has chiefly occupied him.

Lester L. Bond.—The name of this gentleman is inseparably connected with the history of the legal profession of Chicago. Yet not alone on account of his association with this calling is he numbered among the truly representative men of "the city marvelous;" he has been also prominent in municipal affairs that have led to the best development of the city, to its improvement, its progress, and to the adoption of important reform measures. He has been the champion of those movements which support the moral, the educational and the æsthetic; and has been a valued member of the law-making bodies of city and state. To-day as a patent lawyer he stands on an eminence occupied by few, and his name is inscribed high on the roll of Chicago's most able legists. But back of all this, and the causation of it all, is the character of the man,—a character that is based upon the noblest and most honorable principles.

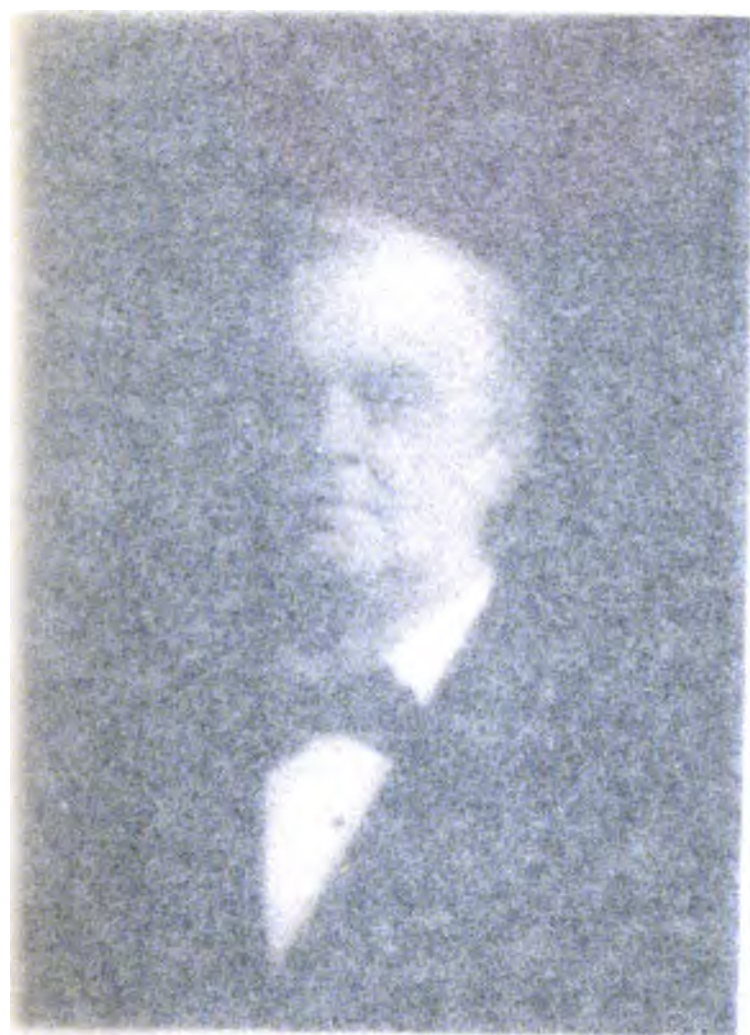
Historians and biographers in their analyzation of the lives of those who have attained success and honor in various high callings, attribute the result to the possession of energy, of industry, of enterprise, of strong mentality, of perseverance, or other qualities, and while some and oftentimes all of these contribute to

it, yet the foundation upon which they in turn rest is character. On this depends the esteem in which man is held, his popularity, his position in social circles. Prosperity in business may be secured; but if the means are unworthy there comes with his success the condemnation of the public; when high principles actuate his labor, his work is followed by commendation and high respect. This truth finds exemplification in the life of Mr. Bond, who, though unpretentious and entirely free from ostentation, occupies a place among the most honored and successful residents of Chicago.

Mr. Bond represents one of America's oldest families, tracing his ancestry back to John Bond, who located in Massachusetts about the time the Pilgrim forefathers established their colony in the Bay state. Members of the family have made the name famous in connection with scientific research. William Cranch Bond, who was born at Portland, Maine, in 1789, and died at Cambridge, Massachusetts, in 1859, became noted for his observations on Saturn and the fixed stars, as well as for his operations in celestial photography, and, after superintending the erection of Harvard Observatory in 1839, he became its director. His work was carried forward by his son, George Phillips Bond, also director of Harvard University, who wrote "On the Construction of the Rings of Saturn" and other astronomical papers. He was born at Dorchester, Massachusetts, in 1825, and died at Cambridge, Massachusetts, in 1865. The old Bond homestead, established at Ipswich, Massachusetts, only about ten years after the settlement at Plymouth, is one of New England's most revered historic landmarks. As the years passed representatives of the family removed westward and at the time of the birth of our subject, October 27, 1829, his parents, Jonas and Elizabeth (Story) Bond, were residents of Ravenna, Ohio. The Story family, from which he is descended on the maternal side, is no less prominent in the history of the country than the Bonds, for among its members were Joseph Story, the eminent jurist, and William Wetmore Story, renowned as a sculptor and poet.

L. L. Bond began his education in his native town of Ravenna and afterward pursued his studies in several excellent academies. He was dependent upon his own exertions for the means which would enable him to pursue his more advanced studies, and mechanical labors largely engaged his attention during vacations and other periods affording him leisure from school duties. This gave him considerable familiarity with inventions and machinery and has been one of the elements that has contributed to his success at the bar, for the patent lawyer must have a practical knowledge of the mechanical appliances concerned in his suits. Determining to enter the legal profession he became a student in the law office of F. W. Tappan and afterward continued his reading under the direction of the law firm of Bierce & Jeffries, the latter the comptroller of currency under President Johnson.

Mr. Bond was admitted to the bar October 15, 1853, and on the 28th of May, 1854, cast in his lot with the residents of the young but rapidly-growing Chicago. Opening an office he entered upon his professional career as a general practitioner and so continued for eight years, when his liking for mechanics and



the fortune of the courts threw some important cases into his hands. His ability to handle such soon made itself manifest, and a patent-law practice rapidly superseded the general until he is now known almost entirely as a specialist in that line. So large is his clientage in patent-law cases that it leaves him no time for labors in other departments of jurisprudence. He has made a close and comprehensive study of the law of patents, copyrights and trademarks, and in this branch of practice is the acknowledged leader at the Chicago bar, and ranks as number two in arguing reported cases in all the United States courts.

Mr. Bond has ever manifested a deep interest in political affairs as the voice of the people concerning government. A firm belief in Republican principles led him to ally himself with that party on its organization and a loyal devotion to the cause of the Union prompted his enlistment in the army, but being in ill health at the time he was rejected by the examining physicians and had to content himself with laboring for the cause of liberty at home. The questions of municipal policy claimed his attention and his advanced and practical views on this subject led to his election to the city council, where he served from 1862 until 1866, and during two years he held the responsible position of chairman of the finance committee. In 1868 he was chosen one of the presidential electors of Illinois and thus cast a direct ballot for General Grant. In 1871 he was again elected to the city council and during a portion of his two years' service was acting mayor of Chicago. For two successive terms, from 1868 until 1870, he represented his district in the state legislature and during the second term championed a measure which has been of lasting benefit to the city. He was elected on what was known as an anti-park ticket, in opposition to the establishment of the south-side park system of Chicago. It will be readily seen that the establishment of such a system on the south side would be detrimental to the west division of the city, which was without such privileges, and hence the three west-side members strove to defeat the measure. After a time, however, seeing that it would be impossible to do this, he called a meeting of his west-side colleagues and unfolded to them his plan of securing to the west side as nearly equal advantages of the same kind as possible. The three west-side members then agreeing on their course of action, had a conference with the men whom they had been opposing and a compromise was made which resulted in legislation by authority of which not only the south-side park system but also the beautiful west-side park system was established, and now no city in the entire country can claim a park system to rival that of Chicago. In this movement Mr. Bond went directly against the anti-park ticket on which he had been elected, but with wonderful foresight he saw the advantages which would result to his district from this course and carried out the plan which he believed to be the right one. Time and the public have sanctioned his work and his labors at that time are deserving of the gratitude of all of Chicago's vast population.

The cause of education has ever found in Mr. Bond a warm friend, and as a member of the school board he was instrumental in bringing about some needed changes in school organizations and the educational system of the city. Since

his retirement from the city council on the close of his third term he has steadily refused public office, but his interest in the welfare and progress for the city has never abated. His time has largely been given to his law practice, in which he has gained an enviable prestige. His logical grasp of facts and principles and of the law applicable to them has been a potent element in his success, and a remarkable clearness of expression, an adequate and precise diction which enables him to make others understand not only the salient points of his cause, but every fine gradation of meaning manifest in his speech, may be accounted among his most conspicuous gifts and accomplishments.

The home relations of Mr. Bond are particularly pleasant. He was married October 12, 1856, to Miss Amy S. Aspinwall, a daughter of Rev. N. W. Aspinwall, of Peacham, Vermont, and a lineal descendant of Peregrine White, the first white child born after the embarkation of the Pilgrims for their far western home. They have one daughter, the wife of John L. Jackson, of the law firm of Bond, Adams, Pickard & Jackson, of which Mr. Bond is senior member. Mr. Bond has long been active in church and fraternity circles. For many years he has been a member of the Methodist Episcopal church, a worker in its Sunday-school and a contributor to its work and benevolences. In Masonic circles he has attained the position of eminent commander in the York Rite and the thirty-second degree of the Scottish Rite. Fond of travel, he finds his chief rest and recreation in visiting the many points of interest in this country and abroad, thereby gaining a knowledge and culture which only travel can bring. He is a man of broad humanitarian principles, deep thought, earnest purpose, conscientious action and strong intellectuality, and in all the relations of life he commands that true homage and respect which is ever rendered real worth.

Judge Peter S. Grosscup, of Chicago, was born February 15, 1852, in Ashland, Ohio. On his father's side his lineage can be traced back to Holland, on his mother's to Germany, but both families were established on American soil prior to the war of the Revolution. The great-grandfather, Paul Grosscup, was for many years a member of the Pennsylvania colonial assembly, and afterward of the Pennsylvania state assembly, also of the convention which met in Philadelphia, in 1791, and framed the first constitution. On his father's side the Judge is also connected by ties of blood with the Stenger family, well known in political circles in Pennsylvania and at the bar. His mother's family name was Bowermaster, and her father was a soldier of the war of 1812, while his father held a commission as an officer in the American army during the Revolutionary war. On the maternal side Judge Grosscup is connected with the Studebakers, well known in the business world, as also with the Mohlers, some of whom are well known in railway circles.

Peter Stenger Grosscup was educated in the schools of Ashland, and in Wittenberg College, one of the educational institutions of the Lutheran church, from which he was graduated in 1872, at the head of his class. He obtained his degree of Bachelor of Laws from the Boston Law School. From 1874 until 1883 he engaged in the practice of his profession in Ashland, Ohio, and during

six years of that time was city solicitor. In 1876 he became the candidate of the Republican party for congress, but was defeated. In 1883 he took up his residence in Chicago and became associated with the law firm headed by Leonard Swett, a former law partner of Abraham Lincoln, and the best known attorney, at that time, of the west. From that time forward Judge Grosscup participated in some of the most important trials occurring in the west, and built up a reputation as a lawyer that ranked him among the ablest practitioners of the Chicago bar.

On the 12th of December, 1892, he was appointed to the United States district bench by President Harrison, and soon after assuming the duties of that office he attracted the attention of the entire country by his decisions upon the application of the government to close the World's Columbian Exposition on Sunday. He dissented from the two circuit judges on that occasion, but on an appeal to the circuit court of appeals, presided over by Chief Justice Fuller, this dissent was sustained. His most widely-known service, however, was in connection with the Debs riots of 1894. In connection with the circuit judge, William A. Woods, he issued the injunction in favor of the government and against the rioters. When this injunction was spurned by the rioters he called upon the president for the federal troops,—a call that unquestionably saved the city from mob violence. Summoning the grand jury at the earliest day permissible by law, he delivered to them, on their assembling in the midst of the riots, a charge that instantly gave him a national reputation. The indictments and arrests that followed were the beginning of the end of the mob violence. In the meantime he has handed down many decisions of interest to large portions of the public and to the profession generally. On January 23, 1899, Judge Grosscup's appointment to the United States circuit bench was unanimously confirmed by the senate.

Judge Grosscup married Miss Virginia Taylor, daughter of A. A. Taylor, an extensive manufacturer of flour of Loudonville, Ohio. They have one daughter. The Judge is a member of the Chicago, University, Union and Athletic Clubs, and is esteemed by his professional associates as well as an extensive circle of friends outside of legal lines.

Frank Orren Lowden was born in Sunrise City, Minnesota, January 26, 1861, his parents being Lorenzo Orren and Nancy Elizabeth (Breg) Lowden. In the fall of 1868 the father of the subject of this sketch removed with his family to Point Pleasant, Hardin county, Iowa. At the time of this removal to Iowa, Frank Orren Lowden was a lad of seven years. During his early youth he attended the common schools in winter, and in the summer months assisted in the cultivation and development of the home farm. At fifteen he began teaching in Hardin county, and while teaching he prepared himself for college. In September, 1881, he entered the freshman class of the Iowa State University, and was graduated in June, 1885, as valedictorian of his class.

His college course completed, Mr. Lowden secured a position as teacher of Latin and mathematics in the high school of Burlington, Iowa. Here, during his leisure hours, he engaged in the study of law. In July, 1886, he came to

Chicago and entered the law office of Messrs. Dexter, Herrick & Allen. Simultaneously he became a student in the Union College of Law, at which he graduated in July, 1887. He was valedictorian of his law class and received the first prize for his oration and the first prize for scholarship. He remained with Dexter, Herrick & Allen three years after his graduation at the Law School. In July, 1890, Mr. Lowden entered into partnership with Emery S. Walker. In May, 1892, he became a partner of William B. Keep, and was associated with him until September 1, 1893. From this time he practiced his profession alone until March 1, 1898, when he became a member of the firm of Lowden, Estabrook & Davis.

Mr. Lowden is a member of the Calumet Club, the Chicago Union League, Washington Park, Marquette, the Chicago Literary, the Sunset, Saddle and Cycle, Chicago Golf, and the Thousand Islands Yacht Clubs. He is a member of Phi Beta Kappa and belongs to two college fraternities, the Beta Theta Pi and Phi Delta Phi. He is a member and president of the Law Club, and holds membership in the Chicago, Illinois State and American Bar Associations. He is a trustee of Central church and in politics is a Republican.

Mr. Lowden was married on the 29th of April, 1896, to Miss Florence Pullman. They have two children.

James Herron Eckles was born in Princeton, Illinois, November 22, 1858, and is a son of James H. Eckles, an attorney. He attended the public schools of his native town, and is a graduate of the Princeton high school, of the class of 1876. Determining to enter the legal profession, he attended the Albany (New York) Law School, in 1879 and 1880, and received therefrom the degree of LL. B. In 1881 he entered the law office of Leland & Gilbert, of Ottawa, Illinois, and afterward formed a partnership with Hiram T. Gilbert. Later he was associated in partnership with James W. Duncan, Hiram T. Gilbert, A. J. O'Connor and V. J. Duncan, and upon the removal of Messrs. Duncan and Gilbert to Chicago, in 1888, a partnership was formed with Senator O'Connor and V. J. Duncan, which continued until 1893.

On the 3d of April of that year Mr. Eckles was appointed comptroller of the currency by President Cleveland, and held that position until December 31, 1897, when he resigned to accept the presidency of the Commercial National Bank of Chicago.

John A. Rose, the general attorney for the North Chicago and West Chicago Street Railway Companies, was born in Will county, Illinois, in 1853, and in the common schools acquired his preliminary education. He prepared for college under private teachers, and was graduated in the Northwestern University, at Evanston, with the class of 1882. The same year he was admitted to the bar, and since that time has been engaged in practice. For about ten years he was a member of the well known firm of Condee & Rose, and since 1895 he has held his present prominent position as already named.

Thomas Cratty.—It has been said that Philip D. Armour is the hardest-working man in commercial circles in Chicago, and in professional lines the same remark may well be applied to Thomas Cratty, whose time is fully occupied

with a very extensive law practice, the important nature of which indicates his superior ability in handling the intricate and involved principles of jurisprudence. He is indefatigable and persistent, and his labors are so systematized as to produce the greatest possible results at a minimum expense of effort. This enables him to attend to a business the volume of which would appall and overwhelm an ordinary man. He stands to-day at the head of the well known firm of Cratty, Jarvis & Cleveland, one of the leading law partnerships of the city.

Mr. Cratty is a native of Champaign county, Ohio, and is of Irish lineage, his great-great-grandfather having emigrated from the north of Ireland to Pennsylvania in the year 1760. Representatives of the family were prominent factors in the public life of the Keystone state, and the grandfather of our subject, a native of Franklin county, Pennsylvania, born in 1763, was one of the patriots who fought for the independence of the nation in the war of the Revolution. William Cratty, the father of our subject, was born in Butler county, Pennsylvania, June 20, 1805, but in 1814 removed to Ohio, and in April, 1826, was united in marriage to Miss Candis Bennett, a native of Rhode Island, born December 25, 1805. He was a man of strong anti-slavery principles and his home was supposed by the friends of slavery to be a station on the famous underground railroad. In consequence a reward of three thousand dollars was offered for his body, dead or alive, if delivered south of the Allegheny river. For many years he was an industrious, energetic farmer, but spent his last years in a well earned retirement from labor, his death occurring in 1897. His wife passed away January 27, 1875. Her noble life, kindly manner and exemplary Christian character endeared her to all who knew her, and of the Presbyterian church she was a most faithful member, as was her husband. Their family numbered twelve children, four sons and eight daughters.

On the home farm in Ohio Thomas Cratty spent the days of his boyhood and youth. Hard work occupied the greater part of his time, for the fields had to be cleared and cultivated and the sons of the family shared in this work. His education was acquired in the winter season when he found opportunity to attend the district school. Endowed by nature with strong mentality he made the most of his educational advantages and at an early age was qualified to teach. He accordingly took up that work after the manner of the frontier teacher, "boarding round" among the pupils and holding spelling schools on Friday nights, these schools being an important factor in the social life of the country districts. He was thus engaged until the fall of 1854, when he went south with the dual purpose of seeking recreation and to study the institution of slavery as it then existed south of Mason and Dixon's line. His opposition to the institution grew even more pronounced as with his own eyes he witnessed the wrongs and outrages committed by the slaveholders and slave dealers of the south.

In 1856 Mr. Cratty resumed farming, but in 1860 financial reverses overtook him and he lost his property. What then seemed a hardship was really the open door to greater opportunities. Leaving his old home he resolved to gratify a long cherished desire of studying law and entered the Chicago Law School, in which he was graduated with honor in 1861. During this time he lived in a

little rented room, did his own housework and cooked his own meals. Neither had he the money to pay his tuition, and to the professor in charge he gave his note, which was to be paid out of his first lawyer's fees. That he ranked very high as a student is shown by the fact that he was one of four graduates chosen to participate in a moot trial at a public exhibition in Metropolitan hall, by way of graduation exercises.

Mr. Cratty opened his first law office in Elmwood, Peoria county, Illinois, his law library consisting of a single volume. Success in the law is proverbially slow, but gradually he built up a good and constantly increasing practice, gaining valuable experience and some substantial fees. Recognizing the fact that labor, earnest, persistent labor, is the key to success in the law as in every other department of life, he spared no pains in the preparation of his cases and in consequence was ready to meet any contingency that might arise. The strong analytical cast of his mind, combined with keen perceptive faculties, peculiarly fits him for his chosen vocation, and his presentation of a cause before jury or judge is at once forceful, logical and convincing.

In the fall of 1863 Mr. Cratty removed to Peoria, where he entered into partnership with Hon. W. W. O'Brien, with whom he was associated for three years. In January, 1872, the firm of Cratty Brothers, of Peoria, was organized, the junior partner being Josiah Cratty, who was admitted to the bar in that year. They built up a very large and lucrative business and the collection department became so extensive that they were obliged to employ several clerks. On the 1st of May, 1880, seeking broader field for his labor, Mr. Cratty came to Chicago, where he entered into partnership with his former business associate, W. W. O'Brien, under the firm name of O'Brien & Cratty, which connection was continued five months, when he became a member of the firm of Tenney, Flower & Cratty. On the 1st of May, 1882, that firm was dissolved and for a time the junior member was alone in business. Subsequently he was a member of the firm of Cratty Brothers, Jarvis & Cleveland, and is now the senior member of the firm of Cratty, Jarvis & Cleveland. They are located in the New York Life building, where they have one of the finest law offices in the entire city.

While he was well grounded in the principles of common law when admitted to the bar, he has continued through the whole of his professional life a diligent student of those elementary principles which constitute the basis of all legal science, and this knowledge serves him well in many a legal battle. He always prepares his cases with great care. If there is a close legal point involved in the issue, it is his habit to examine thoroughly every authority within his reach bearing upon the question, and this makes him a most dangerous adversary. When he comes to the discussions of such intricate problems before the courts, it is then perhaps that his great powers as a lawyer are shown to the best advantage. With a thorough knowledge of the subjects to be discussed, and of the legal principles applicable to them, his addresses before the courts are models of clearness and logic. Quick to perceive and guard the dangerous phases of his case, he never fails to assault his adversary at the point where his armor is weakest.

Mr. Cratty has at times been connected with some important commercial interests. From 1871 until 1873 he was connected with Leslie Robison in the publication of the *Peoria Review*, a daily, weekly and tri-weekly Republican newspaper, which in the campaign of 1872 supported Horace Greeley for the presidency. They also had an extensive steam job office and blank-book manufactory and bindery; but this enterprise made too heavy demands upon his time, so Mr. Cratty disposed of it. He has been financially interested in the Elmwood Paper Manufacturing Company, the Chamber of Commerce Association of that city, the Merchants' Exchange, and was an active factor in promoting the interests of the public library of Peoria. He has always been deeply interested in everything pertaining to education and the intellectual advancement of the race, and in an early day assisted in organizing the teachers' institute of Knox county. He also occupied the position of law lecturer in Cole's Commercial College, of Peoria, delivering his lectures weekly for several years, both to citizens and to students of the college. He possesses considerable oratorical ability and never fails to hold the attention of his auditors by the sound sense which underlies the adornment of well chosen words and neatly turned phrases.

Mr. Cratty is a Republican; was one of the organizers of the Washington Park Club in 1883, a member of the Union League, Marquette, Irish-American, and Veteran Union Clubs. He is also a member of the Chicago Bar Association, the State Bar Association, Chicago Law Institute, the Peoria Law Library Association, and of the Chicago Real Estate Board.

Ephraim Banning.—One of the most interesting indications of the progress of the world is the development of its jurisprudence. The law, which is the safeguard of life, liberty and property, has expanded with the manifold growing interests of business and society until it touches all departments of trade, of commerce, of industry, of invention and mental production, as well as controls the individual in his relations to humanity. Ever broadening in its scope, it would be impossible for any one representative of the bar to be sufficiently familiar with all departments of the law to handle all kinds of legal business with equal success, and as a result have come our specialists, who, having mastered the fundamental principles of justice and right, have turned their energies into only a few channels and possibly but one, thus augmenting the strength with which they care for the interests entrusted to them along their special lines. It is this that Mr. Banning has done, and in the line of patent, trade-mark and copyright litigation he has achieved a reputation hardly second to any member of the bar in the country.

He was born near Bushnell, McDonough county, Illinois, July 21, 1849, and when less than six years of age accompanied his parents on their removal to Kansas. It is a matter of history that the committee of the convention which made Kansas a free state held its meeting in the home of the Bannings. When our subject was about ten years of age the family removed to Missouri, and two years later, when his brothers went to the war as defenders of the Union, he was left as his father's principal assistant in the care of the home farm. Meager were the school privileges afforded in that locality, but he made the most of his oppor-

tunity and was usually found at the head of his classes. Having mastered the branches taught in the common schools when about sixteen years of age he became a student in the academy of Brookfield, Missouri, where he gained a knowledge of the languages and the higher branches. Subsequently he taught school for a short time and then took up the study of law. For three generations on the maternal side his ancestors were members of the legal profession, and his predilection for the law seemed most natural. At all events, if success is any criterion by which to judge, nature undoubtedly intended Mr. Banning for the bar. After studying in the office of Hon. Samuel P. P. Houston, of Brookfield, Missouri, until the spring of 1871, he came to Chicago and as clerk and student entered the office of Rosenthal & Pence, then a well known law firm. In June, 1872, he was admitted to practice at the bar of the supreme court of Illinois, and in October following opened an office and entered upon his professional career.

Competition for leadership at the bar was even then great, but Mr. Banning possessed youth, ambition, courage and determination, combined with an excellent theoretical knowledge gained from textbooks as well as some practical knowledge of the workings of the courts. He resolved that if untiring effort and devotion to the interests entrusted to him could win success it should be his, and acting on this plan it was not long before he had gained a good practice in commercial, real estate, corporation and criminal law. In the course of his practice several cases came to him involving questions of patent law, and he speedily acquired a decided preference for the scientific and intricate points of this peculiar branch of jurisprudence. It was in 1877 that he made his first argument in a patent case. About the same time he formed a partnership with his brother, Thomas A. Banning, and in a few years the firm of Banning & Banning became widely known as successful patent attorneys, Mr. Banning gradually relinquishing his general practice as this branch grew more and more prominent. Making a specialty of patent and trade-mark law, he has, during the last fifteen years, argued many important cases in the United States supreme court and in the federal courts at Chicago, New York, Boston, Philadelphia, Cleveland, Cincinnati, Kansas City, St. Paul, Des Moines and in other places. Possessed of a mind strong, logical and comprehensive, he is exceptionally well equipped for this kind of practice. In 1888 he made an extensive tour of Europe, and by observation and special investigation greatly extended his already thorough knowledge in his chosen field of study and practice.

Mr. Banning is a member of the American, State and Chicago Bar Associations and of other legal organizations. He has always taken an active interest in all matters connected with the profession, and was a member of the committee appointed by the Chicago Bar Association to secure legislation by congress to give Chicago additional United States judges. He was also chairman of the committee on organization of the patent and trade-mark congress held in Chicago under the auspices of the World's Congress Auxiliary, in 1893. At the closing session of that congress he was appointed one of a committee to present to the congress of the United States various matters connected with

industrial property, particularly in its international aspects, the other members of the committee being from New York, New Jersey, Washington and California. In 1896 he was elected a McKinley presidential elector, and in 1897 he was appointed a member of the State Board of Charities, which office he still holds. For a man in private life he has had an unusually large experience in public affairs.

Mr. Banning was married in October, 1878, to Miss Lucretia T. Lindsley, who died in February, 1887, leaving three sons. In September, 1889, he married Miss Emilie B. Jenne, daughter of the late O. B. Jenne, of Elgin, Illinois. He and his family attend the Presbyterian church, in which he holds the office of elder. He belongs to the Union League and Illinois Clubs, and is deeply interested in the moral and material, as well as social, progress of Chicago.

Hon. Edward H. Morris.—The life record of this member of the Chicago bar is another proof of the statement that merit is the only indispensable qualification at the bar. Mr. Morris was born a slave upon one of the plantations of Kentucky, in 1859. To-day he stands among the successful legal practitioners of the western metropolis, enjoying a very handsome income which results from a large and important law practice. The greater part of his youth was passed in Ohio and Illinois, where he attended the common schools. For twenty-eight years he has been a resident of Chicago. Under great pecuniary difficulties he acquired his professional education, and on the 12th of June, 1879, he was admitted to the Illinois bar, having passed an examination before the appellate court. His exchequer was then in such a state of depletion and his wardrobe so in need of repair that when taking the examination he wore a long overcoat, closely buttoned, in order to hide the ravages of time and wear upon his trousers. In the years which have since passed, however, he has won financial success. With strong determination and invincible courage he entered upon his professional career and has steadily gained a large clientage, largely among the white race. His practice brings him in a number of thousands every year, and his surplus earnings he has invested in real estate until his property interests are now quite large. In September, 1881, he was admitted to the bar of Wisconsin, and has had considerable practice in that state. On the 15th of October, 1885, he was admitted to the bar of the supreme court of the United States. In 1892 he served as attorney for the town of South Chicago. In 1895 was assistant attorney for Cook county, and in 1896 was again attorney for the town of South Chicago.

Mr. Morris has been especially helpful to young law students of his own race, and among those whose studies he has directed in his own office are Fred L. McGhee, of St. Paul; his brother, William R. Morris, of Minneapolis; F. A. Denison, of Chicago; and Paul Jones, of Kansas City, all now successful lawyers. He has a wide, thorough and comprehensive understanding of the law, yet his reading has never been confined to that department of learning alone. In addition to a large law library, he has a well selected miscellaneous library, containing the works of Shakespeare, Carlyle, Dickens, the poets and many other standard works, with which he is very familiar, thus finding pleasure

in the master minds of various ages. In 1891 he was elected to the Illinois general district.

In 1896 he was united in marriage to Miss Alfred L. Baker.—At the bar and in the courts he has won an enviable reputation and has represented the Chicago Stock Exchange. To gain a position as a representative of commercial interests in this metropolis he has shown a splendid executive force, and it is through his efforts that Mr. Baker occupies a successful position.

Born in Massachusetts, on the 30th of July, 1858, to John and Maria A. (Mudge) Baker, natives of Boston, he completed his education by his graduation in the high school at the age of nineteen he entered upon the study of law at the Smith, of Boston, who directed his reading. In 1881 he was a member of the law firm of Baldwin & Baker, during that period was connected with the city council. He was educated at the law and did effective service for the school.

At length Mr. Baker determined to seek a new field and in 1886 located in Chicago, where he practiced as a member of the firm of Baker & Greeley for six years. He won a distinctively representative clientele and a branch of jurisprudence known as realty law. He has the management of property interests and he has handled large estates, including that of Joel C. Walter of Chicago and left extensive holdings in real estate.

In 1896 Mr. Baker abandoned the active practice in the banking and brokerage business, and in 1901 he was elected to the Chicago Stock Exchange. He is also a member of the Chicago Board of Trade, and his experience has brought to him profitable financial returns. He is a man of strong purpose and of active enterprise, and of strict conformity to the highest standard of ethical conduct and uniform respect of his business associates.

In 1894 Mr. Baker was united in marriage to Miss Mary of the late Henry Corwith, of Chicago. He is a member of the Chicago Clubs. In politics he is an independent. He is opposed to the free coinage of silver, yet on all social questions he has, from his wide sympathies, always favored the point of view which gives larger opportunities for the improvement of social and industrial conditions. Mr. Baker belongs to the class who came from the east to become an integral part of the Chicago community.



W. J. H. Co

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Parker

1. Introduction

The purpose of this study is to investigate the effects of the proposed method on the performance of the system.

The results of the study are as follows:

1. The proposed method improves the performance of the system.

2. The proposed method reduces the time required for the system to process the data.

3. The proposed method increases the accuracy of the system.

4. The proposed method reduces the memory usage of the system.

5. The proposed method improves the scalability of the system.

6. The proposed method reduces the power consumption of the system.

7. The proposed method improves the reliability of the system.

8. The proposed method reduces the cost of the system.

9. The proposed method improves the user experience of the system.

10. The proposed method reduces the environmental impact of the system.

11. The proposed method improves the security of the system.

12. The proposed method reduces the risk of data loss.

13. The proposed method improves the overall performance of the system.

14. The proposed method reduces the time to market of the system.

15. The proposed method improves the customer satisfaction of the system.

16. The proposed method reduces the operational costs of the system.

17. The proposed method improves the system's ability to handle large volumes of data.

18. The proposed method reduces the system's carbon footprint.

19. The proposed method improves the system's ability to adapt to changing requirements.

20. The proposed method reduces the system's overall size.

21. The proposed method improves the system's ability to integrate with other systems.

22. The proposed method reduces the system's power requirements.

23. The proposed method improves the system's ability to handle complex tasks.

24. The proposed method reduces the system's overall weight.

25. The proposed method improves the system's ability to handle high-frequency data.

26. The proposed method reduces the system's overall cost of ownership.

27. The proposed method improves the system's ability to handle real-time data.

28. The proposed method reduces the system's overall energy consumption.

29. The proposed method improves the system's ability to handle large-scale data.

30. The proposed method reduces the system's overall environmental impact.

31. The proposed method improves the system's ability to handle high-volume data.

32. The proposed method reduces the system's overall size and weight.

33. The proposed method improves the system's ability to handle complex and high-frequency data.

34. The proposed method reduces the system's overall power requirements.

35. The proposed method improves the system's ability to handle large-scale and high-frequency data.

36. The proposed method reduces the system's overall cost of ownership and environmental impact.

37. The proposed method improves the system's ability to handle real-time and high-volume data.

38. The proposed method reduces the system's overall energy consumption and size.

39. The proposed method improves the system's ability to handle high-frequency and large-scale data.

40. The proposed method reduces the system's overall environmental impact and power requirements.

41. The proposed method improves the system's ability to handle complex, high-frequency, and large-scale data.

42. The proposed method reduces the system's overall size, weight, and cost of ownership.

43. The proposed method improves the system's ability to handle high-volume, high-frequency, and real-time data.

44. The proposed method reduces the system's overall power requirements and environmental impact.

45. The proposed method improves the system's ability to handle large-scale, high-frequency, and complex data.



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Alfred L. Baker

has placed Chicago among the leading cities of the world and made her the great rival of the eastern metropolis.

Merritt W. Pinckney.—For fifteen years a member of the bar of Chicago, Merritt Willis Pinckney was born in Mount Morris, Ogle county, Illinois, December 12, 1859. His father, Daniel J. Pinckney, was a man of strong mentality and for many years was prominently connected with the educational interests of Illinois. He was born in Ithaca, New York, educated in the Wesleyan University, of Connecticut, and for a number of years thereafter was principal of the Rock River Seminary, of Illinois. He was also a leading factor in political circles, was a member of the constitutional convention of the Prairie state, later represented Ogle county in the state legislature for several terms, and subsequently was elected state senator. His public career was an honorable one, and in the discharge of his official duties he showed a knowledge of affairs only to be attained by deep and extensive reading. He married Margaret C. Hitt, daughter of Samuel M. Hitt, one of the pioneers of Illinois.

In the public schools Merritt W. Pinckney acquired his preliminary education, which was supplemented by a course in Rock River Seminary and by study in Knox College, of Galesburg, Illinois. His professional course was pursued in the Union College of Law, a department of the Northwestern University, in which institution he was graduated in 1883, with the valedictorian honors of his class. Beginning practice in this city, he was alone in business until November, 1884, when he entered into partnership with William H. Tatge, with whom he was associated until March, 1893, when the latter's brother, Gustavus J. Tatge, became his partner. He devotes his attention entirely to civil law and has a large clientage.

He has never sought political distinction, preferring to give his attention entirely to his profession. He is now a familiar figure in the various courts of the city, owing to his extensive business and his ability in the handling of the intricate problems of civil law, and his uniform courtesy at all times commands the respect of his fellow practitioners at the bar. He is a man of sound judgment, keen discernment and ability, which, united to an untiring energy and devotion to his clients' interests, makes him a valuable attorney and counselor.

On the 24th of June, 1885, Mr. Pinckney was united in marriage to Miss Mary Van Vechten, of Cedar Rapids, Iowa.

Jeremiah Leaming.—For forty-two years an active practitioner of law in Illinois, the friend and associate of Abraham Lincoln, Stephen A. Douglas and John T. Stuart, an honored and prominent jurist long after that eminent trio had suspended their labors in the Prairie state, and to-day a leading member of the Chicago bar, Mr. Leaming now stands among those with whom age has dealt kindly as the result of a careful guarding of the citadel of his powers, of a splendid development of his mental forces, and a life spent in conformity with those great laws which underlie the universe. In the years of his early manhood he won a foremost position among the most prominent lawyers of the state and has ever maintained his place in the ranks of the successful and brilliant

men whose talents have made the bar of Illinois unexcelled in the history of the nation's jurisprudence.

A native of New Jersey, Mr. Leaming was born in the town of Dennisville, January 20, 1831, and is a son of Jeremiah and Abigail (Falkenburg) Leaming. His father was born in New Jersey in 1793 and died in that state in 1839. He was a merchant and shipowner and a man of influence and high position in the community in which he made his home. His political support was given the Whig party, and for many years he was a member of the general assembly of New Jersey, serving in both the house and senate. His wife, who was born in New Jersey in 1796, departed this life in Philadelphia in 1863. Her father, Joseph Falkenburg, was born in Pennsylvania and was a man of much prominence in Cape May county, New Jersey, where official honors were bestowed upon him in his election to both branches of the state legislature.

Jeremiah Leaming pursued his initiatory educational training in the schools of Westchester, Pennsylvania, was afterward a student in Mount Holly and in Bordentown, New Jersey, and pursued his collegiate course in Princeton College, wherein he was graduated with the class of 1853. Having made a choice of the legal profession as a life-work, he began preparation for his labors at the bar by becoming a student in the law office of Garrett S. Cannon, of Bordentown, and in June, 1856, was admitted to the bar of his native state.

The rapidly growing west, however, seemed to him a more attractive and promising field for one who would gain advancement, and in August, 1856, he came to Illinois, taking up his residence in Bloomington, where he began the practice of his profession. It was here he formed the acquaintance of those men of national reputation before mentioned,—Lincoln, Douglas and Stuart,—and was associated in the trial of the last important case with which the afterward martyred president was connected in this section of the country. It was a case of malpractice, where Leonard Swett and William W. Orme were the counsel for the prosecution, and Abraham Lincoln, John T. Stuart and Jeremiah Leaming were the counsel for the defense. The latter gentlemen won the suit for their client, thereby saving to him the sum of five thousand dollars. When his lawyers met to confer concerning the fee which should be charged, Mr. Lincoln said that he thought one hundred dollars would be about right. Throughout the state he had the reputation of making exceptionally low charges. He had passes on all the railroads, was entertained gratis at most of the hotels and could therefore afford to take much smaller fees than could the other lawyers, who had to meet all traveling and other expenses, and his low charges proved detrimental to his fellow members of the profession who desired to make a comfortable living off their labors. Therefore, when Mr. Lincoln suggested that only one hundred dollars be asked of their client, both Mr. Stuart and Mr. Leaming protested, for the latter had spent six weeks in preparation of the case. Explaining then to the future president how he ruined the chances of the other lawyers by his course, they finally induced him to charge the by no means exorbitant fee of three hundred dollars.

In January, 1867, Mr. Leaming removed from Bloomington to Chicago,

and the already high reputation which he had gained enabled him soon to win a large clientage here. From the year of his arrival until 1886 he was in partnership with R. S. Thompson, but since that time has been alone in the practice. While he is known as a general practitioner, he has devoted his attention largely to civil law, and has left the impress of his individuality upon the law history of the state. He became connected with the Illinois bar at a time when there were few if any specialists, and all lawyers must be able to handle any kind of a cause that might be entrusted to them. This necessitated a comprehensive and thorough knowledge of the law in its various departments, and Mr. Leaming became renowned for his legal lore as well as for his successful handling of a cause in the courts.

One of the most important cases with which he was connected in an early day was argued before the United States supreme court about 1860, which settled the question regarding the right to pre-empt lands within six miles of the Illinois Central Railroad, and he won a reversal of the decision of the supreme court of Illinois. This was a test case, which settled some one hundred other suits then pending, and was very far-reaching in its effects, for it involved the actions of the general land offices respecting lands withdrawn from market from the time of the establishment of the office until the time of the trial of the case.

In politics Mr. Leaming has always been a Democrat, and was a warm supporter of Stephen A. Douglas. While residing in Bloomington he took a very active part in the political campaigns, but since coming to Chicago has been content to express his opinions by his ballot and in other quiet ways. At one time he was a candidate on the Democratic ticket for judge of the superior court of Cook county, and in 1893 he was appointed a master in chancery of the circuit court of Cook county. For several years he was chairman of the bar committee of Chicago, was president of the Chicago Law Institute in 1895, and is a member of the Iroquois Club.

In 1856 Mr. Leaming was united in marriage to Miss Harriet Scovel, of New Jersey, a daughter of Rev. Alden Scovel, a Presbyterian minister. They now have five living children. The parents are members of the Reformed Episcopal church.

This in brief is the history of one whose connection with the bar of Illinois has not only brought him renown, but has reflected honor upon the profession in the state. A diligent student from the beginning of his career, he has acquired an unusually profound knowledge of the law, which a well disciplined memory places absolutely at his command. He is an original thinker as well, and has a generous share of that very necessary quality which we term common sense. Thus he is never led away by impractical theories, and his judgment is reliable and accurate.

Hon. George W. Miller has in his brief life-span of thirty years attained a distinction equaled by few whose career covers so short a period. As a lawyer, statesman and orator he bears a high reputation that is by no means confined to the locality in which he lives. Illinois claims him among her native

sons and is proud of his brilliant achievements, for he has indelibly impressed his individuality upon the statutes of the state, and in the realm of legal practice is already gaining a place among those whose seniority in business and in years has given them great advantage over those of the younger generation. He has stood as the defender of the rights and liberties of his fellow men both in the assemblages where the law is formulated and where it is executed, and his ability to interpret the principles of justice has been indicated in many a masterful argument showing deep thought, comprehensive legal learning and the keenest discrimination between truth and falsity. Such is the work to which Mr. Miller is now devoting his energies,—labors that necessitate the possession of strong mentality, exceptionally keen analytical power, extended research and close application; for in the law, perhaps more than in any other calling, success must depend upon individual effort and personal merit.

Mr. Miller was born on a farm near Gilman, Illinois, January 12, 1869, a son of Rufus H. and Ellen M. (Hale) Miller, the former a native of Ohio and the latter of Massachusetts. Both came to Illinois in early childhood, and the father of our subject, after attaining to man's estate, turned his attention to agricultural pursuits. Later, however, he engaged in the nursery business for a number of years, but has now for a few years past been connected with the insurance business. He has always been a pronounced Democrat, voting always for the candidates of that party with the exception of the years 1860 and 1864, when he supported Abraham Lincoln for the presidency. His father was also an advocate of Democratic principles until 1860, at which time he allied his strength with that of the Republican party and continued to follow its banner until his death.

Upon the home farm George W. Miller spent his early years and in the schools of Gilman acquired his literary education, being graduated at the Gilman high school in the class of 1887, when eighteen years of age. He chose as the field of his future labor the greatest of all the learned professions and in 1889 entered the Union College of Law, of Chicago, where he remained as a student for one year. He then went to Washington, D. C., where from 1890 until September, 1891, he was one of the chief clerks in the census bureau, engaged in computing the eleventh census of the United States. In September, 1890, he joined the senior class of the law department of the Columbian University, and completed the regular two-years course in one year, graduating at that institution in June, 1891. Resigning his position on the census bureau in September of the same year, he came to Chicago and accepted a clerkship in the law office of James R. Mann, with whom he continued in that capacity until January 1, 1894, when he became the junior member of the law firm of Mann, Hayes & Miller, a connection that has since been maintained. The firm occupies a leading position in professional circles.

For four years Mr. Miller has now been an active member of the Chicago bar and has gained an enviable distinction by the able manner in which he has handled the legal interests entrusted to his care. He devotes his best thought and energies to his practice, and the assiduous and earnest attention which he

gives to his clients' affairs has earned for him the reputation of a careful, trustworthy and reliable guardian of the interests of others. He is a clear and logical speaker, a close reasoner and a convincing advocate before court or jury. He is always courteous and self-possessed, with a poise not easily disturbed, is generous to his opponents, fair to his witnesses and has the respect of the bar and the general public as well. In October, 1897, he was appointed a master in chancery of the superior court of Cook county, which is an unprecedented honor, for few men of his years have ever held that position.

In his political affiliations Mr. Miller is diametrically opposed to his father, being widely recognized as an unswerving Republican. He is a most effective campaign speaker, instructive, entertaining, logical and convincing, and his services in that particular are greatly in demand. His powers of oratory make him a fluent, graceful, easy speaker, and while thus entertaining his hearers, he at the same time appeals to their reason in a manner that makes his words not easily forgotten. His legislative service has been most brilliant and honorable. In the fall of 1894 he was elected a member of the house of representatives from the third senatorial district, and in January, 1895, took his seat as a member of the thirty-ninth general assembly of the state of Illinois. He had some important committee appointments, serving as a member of the committee on statutory revision, the judiciary and on state and municipal civil-service reform. During the special session of the thirty-ninth assembly he was a member of the "steering committee." He introduced into the house and had charge of the Torrens bill while it was pending, also the county civil-service bill and a bill to revise the pharmacy laws. All of these bills were passed and became laws. From the commencement of the senatorial contest he was an earnest and outspoken supporter of Shelby M. Cullom for re-election.

So capably did Mr. Miller represent his district and labor for the interest of his constituents that in 1896 he was re-elected, and in January, 1897, became a member of the fortieth general assembly. In that session he was appointed chairman of the committee on the judicial department and practice and is a member of the committees on civil service, finance, live stock and dairying, elections and statutory revisions. He introduced and was instrumental in securing the passage of the bill to consolidate the supreme court at Springfield. For twenty-five years similar bills had been introduced at almost every session, only to meet defeat, and many of Mr. Miller's friends regard his successful conduct of this bill through the house as the most important work he has performed during his two terms of service. He received congratulations upon this work from all parts of the state and won high encomiums from the bar. When the supreme court declared the Torrens law unconstitutional he again introduced and had charge in the house of a second Torrens bill, so amended as to comply with the supreme-court decision. This became a law. He also introduced a bill to establish branch appellate courts in Illinois, and in the house had charge and secured the passage of a bill providing for an increase in the salaries of the supreme-court judges from five to seven thousand dollars. Mr. Miller is recognized as one of the strongest debaters in the legislature. His

argument is ever clear, forcible, exact and to the point, and at the same time lacks not the oratorical adornments which not only please the æsthetic sense but also serve to heighten by contrast the strong points in his appeal.

On the 4th of August, 1892, Mr. Miller was united in marriage to Miss Carrie E. Sproule, of Chicago, and in social circles they occupy an enviable position. Mr. Miller is a member of the Knights of Pythias fraternity and of the Royal League, and the social qualities of his nature have endeared him to *many* friends, while his pleasing conversational powers make him a favorite in *business*, legislative and home circles.

CHAPTER VIII.

BENCH AND BAR OF CRAWFORD COUNTY.

CRAWFORD COUNTY was created by "an act of the Legislative Council and House of Representatives of the Illinois Territory," approved on the 31st of December, 1816. Its boundaries, as fixed by the act creating the territory, were as follows: "Beginning at the mouth of the Embarrass river and running with said river to the line between townships three and four north of range eleven west of the second principal meridian, and thence due north until it strikes the line of Upper Canada, thence to the line that separates the territory of Illinois from the state of Indiana, and thence south with said line to the place of beginning." The same act fixed "the seat of justice at the house of Edward N. Cullom," which was on the present site of the village of Palestine.

The first term of court held in the county convened at the house of Edward N. Cullom on the 15th of September, 1817. Hon. Thomas Towles was the presiding judge. There were four cases on the docket for trial,—one action for debt, one for assault and battery, and two actions on the case. Four indictments were returned by the grand jury, two of which were for assault and battery, one for selling whiskey to Indians, and one for "bringing home a hog without ears." The court adjourned until court in course on the 17th of September, 1817.

The first term of the circuit court held after the state was admitted into the Union was a special term which convened on July 1, 1819, for the trial of William Kilbuck, Captain Thomas and Big Panther, three Delaware Indians, for the murder of Thomas McCall. McCall was engaged in surveying the public lands, and these Indians asked for an order to the man in charge of his camp to give them whiskey. He pretended to comply with their request, but sent the order by them that they should be given no whiskey, and for the deception they killed him. Kilbuck was convicted and sentenced to be hanged the next Wednesday, but escaped before the day set for his execution, and there lingers in the county a tradition that there were boodlers even in that early day. This court was held by Judge Thomas C. Browne, who continued to be the presiding judge until the April term, 1820.

Judges Towles and Browne appear to have done nothing to impress their names or character upon the public mind. Among the pioneers of the county there can be found no recollections or traditions of them as judges or as men. Nothing can be learned outside of the brief judicial records to which they affixed their names.

Judge William Wilson held the October term, 1824. He was a very prominent man during his judicial career, and very highly esteemed as a judge of both circuit and supreme courts. His written opinions are usually short, clear,

satisfactory and sound law. In his time the court and bar "rode the circuit" together. Story-telling was a high art among them, and he was of the best. One of his stories was of a grape vine which followed a rail fence around three sides of a ten-acre field, three-quarters around the fourth side, then to the top of a very tall maple tree, from which its tendrils reached toward the clouds, but for want of support fell to the earth. This vine produced "tons and tons of grapes, which were hauled away in wagon loads by people who came from far and near to see the wonder and to gather its rich clusters of grapes, from which were manufactured many thousand barrels of excellent wine." Judge Wilson was a resident of White county and died, at Carmi, many years since.

When the state was divided into circuits, in 1824, James O. Wattles was elected judge of the fifth circuit, which included the county of Crawford. Judge Wattles was commissioned January 19, 1825, and was legislated out of office by an act of the legislature approved January 12, 1827. He held the February term, 1825, and a special term in May afterward. Judge James Hall held the November term of the same year, and Judge Wattles held the terms for May and November, 1826. Judge Wilson then held the courts from the April term, 1827, to the April term, 1834, and was succeeded by Judge Justin Harlan, who held all the courts in the county until the September term, 1840. Judge Wilson then held the courts from the April term, 1841, to the April term, 1849, when he was again succeeded by Judge Harlan, who held the courts until the October term, 1858.

Judge Harlan justly ranks with the best judges and lawyers of his time. Like Judge Wilson, his profound knowledge of the law did not detract from his high character as a teller of stories. He loved the music of the chase, and many of his stories were the embellished productions of the pioneer settlers. One tale that is still remembered, was of a fox that, while the hunters were taking refreshments, died so suddenly that on their return they found it standing on its legs stiff and cold in death. Judge Harlan was a resident of Marshall, in Clark county, and his history as a lawyer is properly written in the history of the bench and bar of that county.

Hon. Alfred Kitchell, of Richland county, was elected judge in the twenty-fifth circuit and held the courts from the May term, 1859, until he was succeeded, in 1861, by Hon. James C. Allen, who was at that time a resident of Crawford county. Judge Allen resigned in 1862, having been elected to congress, Hon. Aaron Shaw being elected to fill the vacancy.

In 1865 Crawford county was again placed in the fourth circuit and Hiram B. Decius of Cumberland county was, on the 1st of December, commissioned as judge of the circuit court. He was re-elected in June, 1869, and continued to hold the courts of the county until after the constitution of 1870. In 1873 Judge Decius was succeeded by Judge Allen, who continued to hold the circuit courts of the county until 1877, when the judicial system was changed into its present form, and John Halley, of Jasper county, was elected as third judge in the second circuit.

On the 16th of June, 1879, Chauncey S. Conger, of White, Thomas S.

Casey, of Jefferson, and William C. Jones, of Crawford, were elected judges of the circuit court in the second circuit, and these interchangeably held the courts of Crawford county for six years. In June, 1885, William C. Jones, Carroll C. Boggs and E. D. Youngblood, of Gallatin, were elected and held the courts for six years, when Judges Boggs and Youngblood were re-elected and Silas Z. Landes, of Wabash, was elected as third judge in the circuit. In June, 1897, Judge Youngblood was re-elected and Prince Albert Pearce, of White, and Enoch E. Newlin, of Crawford, were elected judges and now hold the courts of the county.

The bar of Crawford county during its early and later history has contained men of learning, ability and character,—men whose names deserve, and will receive an honorable place in the history of the state of Illinois. Among these are Eldredge S. Janney, born July 12, 1801, in Alexandria, Virginia. He was a graduate of Nassau Hall College, of Princeton, New Jersey. He came to Crawford county in 1827 and, following the custom of his Virginia ancestors, established his home in the country and managed a plantation, while he practiced law in the county-seat. The papers remaining on file and of record prepared by him show him to have been a careful, painstaking, well educated lawyer. He was scholarly in his tastes, and continued to read the classic authors in the original until blindness hid them forever from him. He removed to Marshall, Clark county, in 1853, where he died December 17, 1875.

Wickliffe Kitchell was born in New Jersey, May 21, 1789, and died at Pana, Illinois, February 2, 1869. About 1814 he came to southern Indiana and began the improvement of a tract of heavily timbered land. While engaged in clearing he so cut his foot as to lame him for life and partially incapacitate him for physical labor. He was elected sheriff, and his association with the courts revived an earlier ambition to become a lawyer. He bought a few text-books and read them by firelight, on rainy days and when others were idle. He was eventually admitted to the bar, and began the practice of law at Palestine in 1817, and continued until 1838, when he removed to Hillsboro, Illinois. He was a member of the house of representatives from Crawford in 1820-21, and from Montgomery in 1841. He held the office of state's attorney for several years, and in 1839 was appointed attorney general of the state, which office he held for one year. He was the father of Alfred Kitchell, one of the judges of the circuit court of this county; of General Edward Kitchell, late of Richland county, and John W. Kitchell of the Christian county bar.

Augustus C. French was born and educated in New England and possessed in a large degree the solid qualities of the granite hills from which he came. He first located in Edgar county, and represented that county in the legislature in 1836. In 1839 he was appointed receiver of public moneys at the land office in Palestine, and removed to Crawford county where, besides his duties as a public officer, he entered actively upon the practice of law. In 1846 he was elected governor of the state and re-elected in 1849, holding the office until 1853. Governor French was misunderstood and misrepresented by many people. His rigid economy was called stinginess, and many stories are still current in regard

to his habit of gathering and saving small things. When it is known that all his care and saving was for the purpose of maintaining and educating younger brothers and sisters that were dependent upon him, it presents his character in a fairer light and invokes a more charitable judgment than has usually been accorded to him. His administration of public affairs as governor was eminently successful. After his term of office had expired he did not actively engage in legal practice, but after a few years of comparative leisure removed to Lebanon and took charge of the law school of McKendree College. He was a scholarly gentleman and his life is an example of labor, of sacrifice and success, well worthy the consideration of those who follow him.

William H. Sterrett was born in Nova Scotia, in 1810. He was educated in Kings College, Windsor. After leaving college he came to the United States and read law with Hon. Lucius Case, of Newark, Ohio. He was admitted to the bar in that state in 1840. He came to Crawford county in 1845 and continued in active practice until 1858, when he was elected county judge and discontinued general practice. His health had been declining for several years, and at the end of his term of office he returned to Nova Scotia on a visit, and died. He was a member of the eighteenth general assembly. As a lawyer he devoted himself assiduously to his business, and possessed ability both as a special pleader and as an advocate. As a judge he was arbitrary and took little counsel save his own will. On the 29th of August, 1848, he was married to Elizabeth Barlow, who still survives.

George W. Peck was born at Salem, Indiana, and educated at Asbury University, in Greencastle, that state. He was twenty-one years old when he located in Crawford county, in 1853. He soon obtained a practice which constantly increased until he entered the army, in 1861. He was a good special pleader, and his address to court or jury was always clear in statement and logical and eloquent in argument. His mental and physical organization was of very fine texture and eminently fitted him for a high rank in the legal profession. He became captain of Company I, Twenty-first Illinois Volunteers, and afterward lieutenant-colonel of the regiment. His health failed until he was unfit for service in the field and he was detailed for duty as a provost marshal at Louisville, Kentucky, whence he returned to his old home in Salem, where he died.

James H. Steel was born in Philadelphia and came to Crawford county in his boyhood. His early life was spent on a farm. He was for many years clerk of the county court of the county. He was admitted to the bar in 1857 and commenced practice. His extensive acquaintance in the county, and the confidence of the people in his integrity and business ability, brought him a large and profitable clientage. His mind was of that peculiar cast which reasons about everything and doubts everything until it is demonstrated. He was also a successful business man and acquired a large amount of property. His health failing, he retired from active practice, and died at his home in Robinson on the 2d of December, 1872. Mr. Steel was a Whig until the organization of

the Republican party, when he became a member of that party and participated zealously in every political campaign that occurred during his life.

Jacob C. Olwin was born in Montgomery county, Ohio, December 6, 1838, and died in Robinson, June 22, 1887. He graduated from the Union Law School, at Cleveland, Ohio, in 1863. In 1864 he opened a law office in Robinson, Illinois, and entered upon his career as a lawyer. He was a member of the thirty-second general assembly of Illinois, was elected county judge in 1882, and was four years master in chancery for the county. Judge Olwin left a reputation for honor and fair dealing that will long be cherished by all who knew him.

Franklin Robb was a man whose name and memory will linger long and lovingly with the older citizens of the county, and members of the bar who were associated with him in his practice will ever remember and honor him. Mr. Robb was born in Gibson county, Indiana, February 15, 1817. He graduated at Wabash College, Crawfordsville, Indiana, was admitted to the bar in 1840 and for a time practiced law at Princeton, Indiana. He then spent three years studying medicine, and practiced that profession several years, when he returned to the law, to the practice of which he devoted his entire time and energy to the end of his life. His knowledge of the law was profound. Every question that came to him was thoroughly investigated and he seemed never to weary until he was satisfied that he had the correct solution. He was fearless and unshrinking in his defense of the conclusions to which his research led him. His character was above suspicion and his statements of facts were always accepted with absolute confidence. He was county judge for a term of four years and his opinions from the county bench would have done honor to the supreme bench. He was an elder in the Presbyterian church, and a Republican from the organization of the party until his death, which occurred in Robinson, February 10, 1890.

Major Guy S. Alexander was born in Crawford county, Illinois, December 4, 1847, and died in Robinson, May 28, 1876. He was a son of Dr. John Alexander, one of the pioneer settlers of the county. He began and pursued his law studies while teaching country schools, and was admitted to the bar in 1866. On the 15th of January, 1862, he was mustered into the service of the United States as second lieutenant of Company F, Sixty-second Illinois Infantry, and was mustered out as major of the regiment, on March 6, 1866.

He was married on the 3d of September, 1867, to Miss Rhoda Becker and in the same year opened a law office in Robinson. His mind was active and ready for whatever might arise in the trial of a cause, skillfully arraying his authorities to maintain his positions. He was county attorney from 1872 to 1876, filling that position to the general satisfaction of the people.

The history of the lawyers of Crawford county who have died would be incomplete without some mention of Charles C. Fletcher, who came to the county in 1863 and died in Robinson September 20, 1873. Whence he came seems to have been unknown. His brilliant and somewhat erratic career, ending under shadows that were akin to insanity, will not soon be forgotten. He was well educated both in law and literature. His presence was commanding. Curled

locks, black as the raven's wing, hung over his broad intellectual forehead, and when excited his eyes flashed with a brilliancy that was startling. His speeches both at the bar and on the stump were smooth and eloquent. But "melancholy claimed him for its own," and ere he died, reason too had fled.

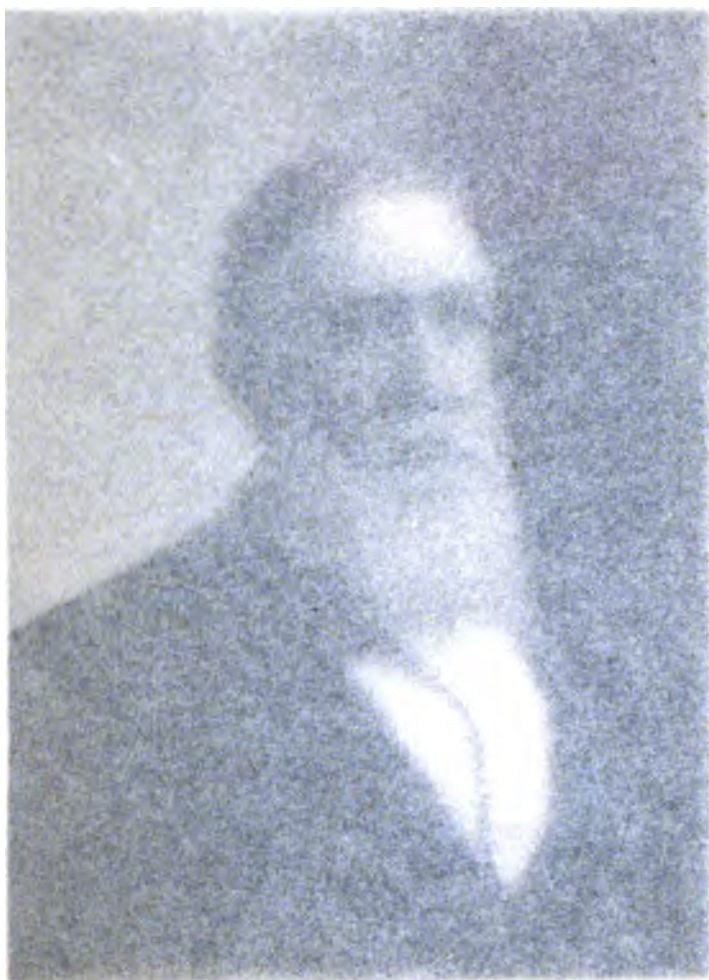
Of the lawyers who constitute the present Bar of Crawford county Ethelbert Callahan is the oldest. He was born in Licking county, Ohio, December 17, 1829. His father was of Irish and his mother of English descent. His grandfather, Rev. George Callahan, was a soldier of the Revolution and a pioneer Methodist preacher in Ohio. In 1849 he came to Crawford county, and that winter he taught a three-months school, at fifteen dollars a month, and when paid felt richer than at any time since. He edited the Wabash Sentinel in 1853-4, after which time he went to Marshall and edited the Telegraph during the Know-Nothing campaign of that year.

On the 27th of June, 1854, he married Mrs. Mary Barlow Jones and has since resided in Crawford county. In boyhood he had heard Thomas Ewing make a great legal argument and had decided, in boyish fashion, that he too would be a lawyer, but years had passed, leaving the ambition still ungratified. In 1857 he was elected justice of the peace, began to read law, and in 1859 was admitted to the bar. In 1861 he opened an office at the county-seat and commenced an active practice, which he still continues.

His career as a lawyer has been sufficiently successful to gratify any reasonable ambition. This has been achieved by an untiring devotion to his profession, a profound knowledge of the law, the patient study that gave him complete mastery of his cases and a rare faculty for seizing opportunities in their trial, a genius for examining witnesses and an unfailing judgment of men, strong earnest argument, and the high standard of honor and courtesy to friend and foe that entitles a man to call himself in the true sense a lawyer.

The general practice of a country lawyer necessarily includes every branch of the law and all classes of cases, from the most trivial to those of the most serious character, involving life, liberty, reputation and the numerous rights of property arising out of the diversified pursuits and commerce of the country. This kind of a practice enlarges the knowledge and broadens the mind of a lawyer who keeps up with its demands. It is enough to say of Mr. Callahan that he has not lagged behind his professional brethren, but has won his full share of important legal battles. As recognition of his character, ability and standing as a lawyer the honorable degree of Doctor of Laws was, in June, 1898, conferred upon him by McKendree College.

Mr. Callahan claims the distinction of having made the first speech in the county in behalf of the Republican party. As a Republican he has been a member of the twenty-ninth, thirty-seventh, thirty-eighth and thirty-ninth general assemblies of the state. As presidential elector he voted for Garfield and Harrison. He was a member of the first state board of equalization. He is a member of the Methodist church and was, in 1874, a delegate from the southern Illinois conference of that church to the general conference held in Brooklyn. Mr. Callahan was one of the organizers of the Illinois State Bar Association, was



its president in 1889, and has contributed several valuable papers, among which was "The Lawyers of the Bible," which has been extensively copied.

He is one of the largest farmers in the county and his farm on the banks of the Wabash is an exponent of the best scientific methods of cultivation. His great success proves that brains are better, even in the growing of corn and systems of drainage.

William C. Jones, who for twelve years occupied the bench of the second judicial circuit, was at the time of his election the youngest circuit judge in the state, a distinction of which he has every reason to be proud, for the public is a discriminating factor and does not lightly place the scales of justice in unworthy hands. It was therefore a tribute to his ability and an unmistakable evidence of the confidence reposed in him by the voters of his circuit. On the expiration of his second term he retired to private life and is now successfully engaged in the practice of law in Robinson as a member of the firm of Jones, Eagleton & Newlin.

Judge Jones was born in Hutsonville, Crawford county, Illinois, July 15, 1848, and was a son of Caswell Jones, a successful merchant, who died in March, 1853. In June, 1855, his mother married again, becoming the wife of Ethelbert Callahan, who, in 1861, removed to Robinson and opened a law office. While a youth William C. Jones, following his own wishes, entered the office of the Monitor, a local newspaper, where he served as the youngest apprentice for a year. In 1863 he became a student in the Ohio Wesleyan University, where he remained three years, following his literary course by study in the office of Callahan & Steel, in which he began his reading in 1867. Later he attended a course of law lectures in the Michigan State University, at Ann Arbor, and on the 9th of May, 1868, was admitted to the bar. In June of the same year he entered into partnership with his step-father, Mr. Callahan, this connection continuing for ten years, during which he gained wide experience in the work of the courts and won a liberal clientage. He has always made a close study of the political problems of the day, and in November, 1870, was elected a member of the twenty-seventh general assembly of Illinois. In November, 1877, he was elected judge of the county court, which position he filled, to the entire satisfaction of all concerned, until June, 1879, when he was elected to the circuit bench for a term of six years. On the expiration of that period he was re-elected, filling the office until June, 1891. As a judge he was careful, painstaking, energetic and industrious. He was ever kind and courteous to the bar and to the public, and seemed to possess a strong realization of the importance of the profession to which he devoted his energies and the fact that justice and the higher attribute of mercy he often held in his hands. His opinions were entirely unbiased by fear or favor and showed a comprehensive and accurate knowledge of the law.

Upon his retirement from the bench, in 1891, Judge Jones formed a partnership with E. E. Newlin, who was then state's attorney, and the relation was maintained until the election of Mr. Newlin to the bench of the second judicial circuit, in June, 1897. In that year Judge Jones formed a partnership with

Judge J. C. Eagleton and Thomas J. Newlin, under the firm name of Jones, Eagleton & Newlin, and is now in active practice. He was appointed a minority member of the court of claims by Governor John R. Tanner, in 1897. He has always been a very close student, and his legal learning has gone beyond and encompassed not only the leading principles but the minutiae of jurisprudence in a manner equaled by few. In 1880, in connection with Judge Cunningham, of Urbana, he published "A Treatise on the Jurisdiction and Practice in County and Probate Courts," which they revised in 1892, and which is still accepted as standard authority.

Judge Jones is not only a prominent lawyer and jurist but is also a successful financier and business man, and is now serving as vice-president of the First National Bank, of Robinson. Socially he is connected with the Knights Templars of the Masonic fraternity; politically is a Democrat; and religiously a Presbyterian. His home life is very pleasant. He was married, November 25, 1869, to Mary H., daughter of James H. Steel, then a member of the Crawford county bar, and they have three children, Caswell, William and Dorothy M. Judge Jones has never confined his reading solely to the law and kindred subjects. He is a man of scholarly attainments and broad general culture, familiar with the leading works of the master minds of all ages. He, too, possesses considerable literary ability, and in 1892 published a volume entitled "Birch-rod Days and Other Poems," which was followed, in 1896, by "Elements and Science of English Versification." These, taken in connection with his law volumes, show the wide range of a versatile mind, and indicate an interest in the various problems of life which shows a well rounded and symmetrical character.

Hon. John C. Eagleton is a native of Crawford county, Illinois, and was born April 10, 1866. He graduated in the public high school of Robinson, Illinois, with honor, June 3, 1885, and afterward read law in the office of Olwin & Newlin, being admitted to the practice of his profession in 1889. In September, 1891, he opened a law office in Robinson and began active practice.

He was married to Miss Lola M. Ritchie April 6, 1892. Shortly after his admission to the practice he was elected and served one year as city clerk of Robinson, and was then elected city attorney of Robinson for two successive terms, resigning within his second term, to accept the office of county judge of Crawford county, to which he was elected in 1894. On May 1, 1896, he formed a partnership with Judge W. C. Jones and E. E. Newlin, which continued until the election of Mr. Newlin as circuit judge, in June, 1897. After Judge Newlin's retirement from the firm Thomas J. Newlin became a member of the firm under the firm name of Jones, Eagleton & Newlin, which firm is still in existence and in the active practice of law.

Judge Eagleton is a versatile speaker, an active, industrious young man and well versed in the law, being a close student of the same. As a county judge he has given universal satisfaction, and presides with becoming dignity, and the easy grace that readily fits him for the duties of that profession.

Socially he is a Knight of Pythias and a Mason; religiously he is a member of the Christian church; politically he is an ardent Republican, and is frequently



Yours truly,
William C. Jones

the fact that the Government has not yet decided whether it will accept the offer of the United States to purchase the Hawaiian Islands. The Government has not yet decided whether it will accept the offer of the United States to purchase the Hawaiian Islands. The Government has not yet decided whether it will accept the offer of the United States to purchase the Hawaiian Islands.

It is not necessary to say that the Government has not yet decided whether it will accept the offer of the United States to purchase the Hawaiian Islands. It is not necessary to say that the Government has not yet decided whether it will accept the offer of the United States to purchase the Hawaiian Islands. It is not necessary to say that the Government has not yet decided whether it will accept the offer of the United States to purchase the Hawaiian Islands.



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*Yours Truly,
William C. Jones.*

called upon to address public gatherings and always responds in an easy and fluent manner.

Judge Enoch E. Newlin was born on a farm in Crawford county, Illinois, February 22, 1858. He was four years old when his father died, in the army, in 1862, leaving his mother a widow with three small boys. His mother had but little means, and at that time, with one horse and one cow, was living on a rented farm in said county. By her good management and hard labor she kept her little family together, and when her boys were old enough to attend school she kept them in the district school during the winter, and in the summer time they were employed at such work as they could find, to help make a living. Enoch, being the oldest, was hired out to work on a farm by the month when he was thirteen years old. He continued thus to work in summer and attend school in winter until he was seventeen, when he began to teach school. He taught eight successive terms of winter school in said county, using the money derived thereby in assisting his mother and younger brothers in maintaining the family at home. In 1879, by his economy, he had a little money saved up, and with that to pay his expenses, he attended the State Normal School at Terre Haute, Indiana, one year. In 1880 he entered the law office of Callahan & Jones, in Robinson, Illinois, as a law student, and pursued his law studies for two years, teaching school in the winter time to obtain money with which to pay his board during the summer. In 1882 he was admitted to the bar. Without money and without clients, but with an ambition and determination to become a lawyer, he at once opened a law office at Robinson, and as a young lawyer began the strife to succeed in his profession. His many friends and acquaintances, made while working on the farm and teaching school, were an advantage to him, and he soon began to pick up a good law practice. His whole energy and desires were directed to the practice of his profession, and since he began practicing he has applied himself constantly to his law business. His success from the start as a trial lawyer, and his careful preparation and management of his cases in court were so noticeable that his business increased rapidly.

In 1883 he was appointed city attorney for the city of Robinson, and discharged his official duties in a manner creditable to himself and to the entire satisfaction of the city. In 1884 he was elected state's attorney for Crawford county, and re-elected without opposition in 1888. In 1892 he declined to become a candidate for re-election. As state's attorney he was vigilant and careful, and his honest and persistent efforts in the trial of offenders, and his ability to take a broad view of the facts in controversy and the law applicable to the case, won for him the confidence of jurors, and the guilty were made to pay the penalty for violating the law. During his eight years' service as state's attorney he collected each year from fines and forfeitures enough money to pay his fees and had a balance left that he turned over annually to the county. His integrity and ability have been recognized and admired by the judges on the bench and by the lawyers, not only in his own county but in other counties where his law business called him. In 1897 he was elected to the office of Judge of the circuit court in the second judicial circuit of Illinois, and his knowledge of the law,

even temper, and care in weighing controverted questions arising before him, have demonstrated that he is capable and well fitted to fill the office of judge. He has while on the bench given general satisfaction to lawyers and litigants, and made a record of which any judge might well feel proud.

In politics Judge Newlin has always been a Democrat, and has been an enthusiastic factor in his own county in the cause of free silver. His party has felt and appreciated his assistance, both on the stump and as an organizer. While he has labored for the success of his own party, he has always been courteous to his political opponents, and accorded to them the same honest purpose possessed by himself.

By his economy and industry he has accumulated some property, and has a beautiful home in Robinson, where he resides with his family. In 1885 he married Miss Clara Coulter, a niece of Judge J. W. Wilkin, of the supreme court of Illinois, and they have a family of three interesting children. He is sober, moral and religious in his habits, a hard worker, industrious and well informed, and does not devote much time to recreation. When not engaged in his business he can usually be found at home with his wife and children, where he takes great delight in enjoying the comforts of a happy home. Judge Newlin is young in years, with much of life and bright prospects before him. In his manly struggle from his humble beginning, and his success achieved he demonstrates what a plucky, honest and energetic American boy can do when depending entirely upon his own resources.

Alfred H. Jones is numbered among both the lawyers and law-makers of Illinois. He has practiced for twenty-three years at the bar of Robinson, and has also been instrumental in framing the laws of the state through service in the general assembly. He is numbered among Illinois' native sons, his birth having occurred in Crawford county, at Flat Rock, on the 4th of July, 1850. His paternal grandparents were Aaron and Mary (Shepard) Jones, the former a native of Wales, the latter of Scotland. Their son, John M. Jones, father of our subject, was born in Virginia and married Elizabeth Ford, a native of Kentucky, and a daughter of John and Hopy (Highsmith) Ford, the former a native of England, the latter of Holland. All were farming people and the parents of our subject, coming to Illinois at an early day, cast in their lot with the pioneer farmers of Crawford county.

Alfred Hanley Jones was reared on his father's farm, and amid fields of grain and verdant meadows spent his childhood days. For two years he was a student in Westfield College, of Clark county, Illinois, and completed his literary education in the National Normal School, of Lebanon, Ohio, where he was graduated in 1870. The following year he went to Kansas, where he remained for a year, and upon his return began the study of law, being admitted to the bar on the 14th of June, 1875. In the same year he was elected city attorney of Robinson and in 1876 was appointed state's attorney to fill out the unexpired term of G. S. Alexander. In the practice of law he has succeeded in gaining a good clientage and is well versed in the various departments of jurisprudence, with keen perceptive power and analytical ability, sound judgment in deter-

mining the law applicable to the facts under consideration and effective manner in presenting his arguments to judge or jury.

Mr. Jones had long been a prominent factor in Republican circles in southern Illinois. He served for ten years as a member of the town council and gave a public-spirited support to every progressive measure for the general good. For fifteen years he was a member of the board of education and the cause of the schools found in him a warm and practical friend. In 1886 he was elected and served in the thirty-fifth general assembly, proving an able representative of his district, but on his retirement from that office he resolved to never again become a candidate for an elective office. He has, however, served in several appointive positions, being at the present time chairman of the board of trustees of the Eastern Illinois State Normal School, at Charleston, Illinois. His interest in politics has never abated. He is well informed on the issues of the day, and his powers of organization and splendid executive ability have contributed not a little to Republican successes. For six years he was a member of the state central committee of his party, and for twenty years has been a member of the county central committee. Each year he enters actively into campaign work and his organizing power is well supplemented by his strength on the platform, his oratory, sound logic and readiness in argument proving both entertaining and convincing.

Mr. Jones has been twice married. On the 18th of June, 1872, he married Ellen M. Thompson, of Poolsville, Indiana, who died in 1874, leaving one son, Gustavus Adolphus. His present wife bore the maiden name of Catherine A. Beals, and they were married November 26, 1878. They had one child, Roscoe, who was born October 3, 1880, and died October 4, 1883. With his wife and son Gustavus, Mr. Jones resides in Robinson and their high position in social circles is assured by their sterling worth. For over twenty years Mr. Jones has been a valued member of the Masonic fraternity and Odd Fellows society, and for five years has been connected with the Modern Woodmen of America, the Court of Honor and the Royal Neighbors. He also belongs to the Methodist Episcopal church.

Presley G. Bradbury was born on a farm in Crawford county October 6, 1847. At the age of fifteen he conceived the thought of leading a professional life and shaped his studies along the line of his ambition. He attended the state normal schools at Carbondale and Bloomington. He was county superintendent of schools from 1873 to 1877. In 1874 he began to read law in the office of Judge Robb, and in 1876 was admitted to the bar and formed the partnership of Robb & Bradbury, which was dissolved by the death of Judge Robb. From 1876 to 1884 he was state's attorney. He was married December 31, 1879, to Miss Jennie Kelley, of Sullivan, Indiana.

Mr. Bradbury has a strong physical organization which endures protracted labor without weariness, and since his advent into professional life has brought all of his physical and mental powers into requisition in order to win success. Honest and candid in his dealings with private individuals, and with all public business entrusted to him, he commands the respect and confidence of his fellow

citizens. He is in the prime of life and his history can not be truly written until after years have covered him with the full honors of a useful career. Mr. Bradbury is an elder in the Presbyterian church and an ardent temperance man who illustrates his profession by his own daily life. He is politically a Democrat and marches under the flag of his party in all political campaigns. He is also a successful farmer and stockman, and to these interests he gives his personal supervision.

Ausby L. Lowe was born at Hutsonville, November 18, 1857. His family is one of the oldest and best of those pioneers who came from Virginia to find homes in the new west. He is a graduate of Earlham College, Richmond, Indiana. Upon leaving school he entered the office of the circuit clerk and ex-officio recorder of the county. In this office he disclosed an ability to discover and secure the correction of mistakes, which attracted the attention of lawyers and suitors. When his term as deputy clerk ended he was invited to take a place in the office of Callahan & Jones, with a view to his admission to the bar and to a permanent place in the firm, and he was duly admitted and at once the firm of Callahan, Jones & Lowe was formed. Mr. Lowe is justly regarded as one of the safest legal advisers in all matters of business and upon all questions of real-estate titles. His deliberately formed opinions are of the highest authority. His mind is of a distinctly judicial cast, and its operations tend more strongly to securing the right of the matter under consideration than the advocacy of a selected side of a controversy. He possesses in a high degree the sense of honor, integrity and honest devotion to duty, which are the secure foundation for success in the life and business of the lawyer.

Mr. Lowe is not devoid of judicial ambition. He has already filled the office of county judge with ability, and higher judicial honors may safely be predicted for him. His politics begin and end in the "traditions and doctrines" of the Democratic party, of which he is an active partisan. Mr. Lowe was married to Miss Alice Hodge, on the 27th of November, 1879, and his sons are worthy successors to the name.

George N. Parker was born in Crawford county, April 9, 1843. He married Miss Julia Crowley May 5, 1870. He was educated at Union Christian College, Merom, Indiana. He taught school for several years and was elected superintendent of schools for one term, during which he read law in the office of C. C. Fletcher, then attended the law department of Michigan University and was admitted to the bar in 1870. He located at the county-seat, where he still resides, and has a large practice. His industry is proverbial. His office hours begin early and end late. His manner is always that of one in a hurry. His devotion to the interest of his clients passes without question, and by his persistent zeal he often wins where others would fail. His manner of address to court and jury is fervent and confident, whether right or wrong. Mr. Parker has given much time and study to horticulture, and is an authority on apples as well as law.

Hon. Joseph B. Crowley was born at Coshocton, Ohio, in 1858, moved to Jasper county with his parents while very young, and there he resided until 1872,

when he accompanied them to Robinson. His boyhood days were spent on a farm. Mr. Crowley is a self-made man in the fullest acceptance of the term. His earliest education was received in the common schools and in actual experience in the business world. At the age when most boys nowadays wear Fauntleroy curls and clothes he was put astride a horse to carry the mail from this city to Lancaster, in Wabash county—a distance of forty miles. He prosecuted the study of law under difficulties, was admitted to the bar in 1883, formed a partnership with Hon. G. N. Parker and began the active practice of his profession. In 1886 Mr. Crowley was elected county judge by a large majority, and was re-elected in 1890. In 1893 he was appointed special treasury agent in charge of the seal fisheries of Alaska. He has served as master in chancery, was twice elected president of the school board, was twice a member of the congressional committee of his district, and is at present serving his twelfth year as treasurer of the county Democratic central committee. He is a wide-awake, energetic young man and always identified with all progressive measures.

George W. Jones was born in Crawford county October 28, 1858. He grew up on a farm and was educated in the public schools. He was married first to Miss Euphemia Bales, November 3, 1878, and his second union was with Miss Christine Kern, on July 12, 1895. From 1886 to 1890 he was sheriff, and on the expiration of his term of office entered the office of Jones & Newlin as a law student. He was admitted to the bar in 1892, since which time he has been engaged in the law practice in Robinson. He is quick to see the vital point in a legal controversy, is a very magnetic speaker and there is predicted for him a very prosperous and successful career. He is a member of the Methodist church and one of the most efficient of the organizers of the present Democratic party in Crawford county.

John C. Maxwell was born in Blount county, Tennessee, September 26, 1847, and came to Crawford county in 1848. He graduated at the National Normal School, Lebanon, Ohio, in 1872, read law in the office of Callahan & Jones, was admitted to the bar in 1875 and has since that time practiced his profession in Robinson. He was married, in 1881, to Miss Gertrude Jackson, of New Albany, Indiana. He is a Methodist and a Republican.

Edward S. Baker was born in Fountain county, Indiana, December 25, 1872. He is a graduate of the Robinson high school and was a very successful teacher. He read law in the office of Callahan, Jones & Lowe and was admitted to practice August 25, 1897. In September of the same year he married Miss Ida Everingham. He is a member of the Baptist church and of the Republican party, is well educated in literature as well as law, has an enviable reputation as a political speaker and there is predicted for him an unusually bright and successful future.

Hampton S. Bogard was born in Sainte Marie, Illinois, August 22, 1863. His father was a farmer, and the son remained on the farm until he was twenty years of age, during which time he attended the common schools. In 1883-4 he attended Union Christian College, at Merom, Indiana. For some years he taught school and in vacation read law in the office of Parker & Crowley, in

Robinson. In 1887 he graduated in the law department of the Northern Indiana Normal School, at Valparaiso. He was admitted to the bar in May, 1896, and immediately began the practice of his chosen profession in Robinson. He was elected state's attorney in November, 1896, and is at this time discharging the duties of that office.

George E. McQueen was born in Bartholemew county, Indiana, March 19, 1858, was married to Miss Emma J. Gordon November 18, 1881, and was admitted to the bar in 1886, since which time he has been engaged in the practice of law in Robinson.

Valmore Parker was born in Crawford county, on the 29th of December, 1861. He is a graduate of the normal school at Danville, Indiana, and a very successful teacher. He was county superintendent of schools from 1890 to 1896. He was married in 1886 to Miss Ella Barrett. He read law in the office of George N. Parker, in Robinson, was admitted to the bar in 1887, and has since been engaged in the practice of law in the county. He is a Democrat, with unblemished reputation.

F. W. Lewis was born at Lewiston, Ohio, April 8, 1864. Mr. Lewis is a graduate of the Robinson high school. He was a law student with Robb & Bradbury, was admitted to the bar in 1886, and located in Robinson. He was state's attorney from 1892 to 1896. Mr. Lewis is a rising lawyer and a prominent Democratic politician.

Joseph A. MacHatton was born at Marion, Indiana, May 27, 1860, and came to Crawford county when he was one year old. He remained on the farm until he was nineteen, during which time he received a common-school education. He taught school until 1892, when he was admitted to the bar, and in 1893 he formed the partnership of Bradbury & MacHatton. He is energetic in business, eloquent in argument and a good trial lawyer. He is a Republican in politics and an earnest advocate of the principles and policies of the party. He was married in 1884.

Thomas J. Newlin was born in Crawford county, Illinois, April 2, 1863, studied law with his brother, Judge E. E. Newlin, and was admitted to the bar August 28, 1891. On August 28, 1892, he was married to Miss Sarah E. Kirtz. Mr. Newlin was elected circuit clerk of Crawford county on the 4th day of November, 1892, and after serving four years with entire satisfaction he refused to become a candidate for re-election and opened an office for the practice of law. After a short but very successful practice by himself he became a member of the law firm of Jones, Eagleton & Newlin, composed of Judge W. C. Jones, J. C. Eagleton and Thomas J. Newlin, succeeding Judge E. E. Newlin, as a member of said firm.

In September, 1897, Mr. Newlin was appointed master in chancery for Crawford county, by the presiding circuit judge, which office he still holds. Mr. Newlin is a Knight of Pythias, a Mason and a Modern Woodman. He is a fluent speaker, a careful lawyer and, politically, a staunch Democrat.

Politically, socially and as a business man, he is upright, honest and careful, and with the success that has attended him has a splendid career before him.

REMINISCENCES.

The following paragraphs are from an article contributed to the local press by Judge William C. Jones, and are most apropos in this connection:

Speaking of old-time lawyers, few people remember the fact that the late Judge Scholfield was once prosecuting attorney on this circuit. After his graduation from the Louisville Law School he became state's attorney, in 1856, and traveled with Judge Harlan and Judge Alfred Kitchell. He was an ambitious man and it almost killed him to lose a case.

At one time he was prosecuting a case in Crawford county and had made a very forcible argument. He was deliberate and calm, and yet had put all his energy and soul into the case. Every one complimented him on his effort, for he was from the first a favorite. The jury was against him and the verdict was for the defendant. He immediately left the court house and began tearing his hair and using expletives. Old Uncle Newman Parker was near by, and, hearing him, stepped up and remarked, "John, what's the matter? You made the best speech I ever heard. You'll be all right, young man. I think the people were all with you." "Yes," remarked the young prosecutor, "but the d—d jury were not!"

There were none his superior in addressing the court. He would sit up all night running down a question of law. He was logical and concise in his arguments and always fortified with authorities. He was not so eloquent as he was forceful. The energy of the whole man was bent on his effort to succeed. He was tireless in his efforts and convincing in his logic.

He had no patience with a judge who was not a lawyer. At one time he was trying a case in the county court before a judge of the early days, who was not a lawyer by profession, but who assumed a great knowledge of the law. Judge S. and Judge Wilkin were defending. A motion had been made before his honor to dismiss the case, but his honor was prejudiced and learnedly delivered an opinion about which he knew nothing, overruling it. When he had concluded Judge S. remarked: "Call a jury, Jake; let us take the case from one d—d fool to twelve!"

Judge Scholfield was one of the kindest men I ever knew in private or public life. He would always stop and write a letter of recommendation for a young man and say all the good things possible. He was always for his old friends and whenever and wherever he could he would inquire after the old lawyers with whom he used to be associated. Governor Robinson was a favorite with him. Ficklin was a man he always wanted to know about.

One time at the Clark circuit court an important case was being tried and Robinson, Ficklin, Scholfield and Wilkin were all defending. Silas Whitehead, with able assistants, was prosecuting. Judge Decius was never averse to taking a small drink, and the attorneys sometimes would come to his room for an appetizer. On this occasion each had taken a small drink, when Judge Ficklin took the jug and filled a large glass. Drinking it down he remarked: "That's fine, Hiram, where did you get it? I'll just take another." Judge S. stood by watching when he remarked, "We will just take the jug in to dinner for brother Ficklin to drink instead of water." "It would just suit me, John. It reaches further than water," replied Ficklin.

Senator Thomas Brewer was a great favorite of Scholfield. He was a brilliant talker, with a voice as mellifluous as a flute. Although an uneducated man few men were his equal as a talker. I have heard Judge Scholfield remark he would rather hear Tom Brewer talk than any man he ever heard except Governor Robinson. He always inquired after Senator Brewer and Judge Decius so

long as they lived. He often remarked he had seen more happy hours at Cumberland than any court in the circuit. After the death of Decius and Brewer he never inquired more. They had gone, and with them his old-time memories.

Along in the latter part of the '50s, Newton, Jasper county, was quite a place to congregate for the attorneys of the old fourth judicial circuit. Judge Scholfield was then prosecuting attorney. George W. Peck, afterwards colonel of the Twenty-first Illinois, a friend and favorite of Judge Scholfield, together with Judge Franklin Robb and Judge James C. Allen, of Crawford county, and many others from adjoining counties, would meet together at the old Litzleman hotel at Newton, and Mother Litzleman told the writer many good stories concerning them. All of them, save Judge Robb, were full of fun, and he never would tell anything, and they caused Mother Litzleman no little annoyance. On one occasion they procured a considerable quantity of drinkables, and then made a night raid on her pantry, capturing all the old lady's pies, cakes, pickles and considerable of her canned fruit. She describes them as having a glorious time in a large room jointly occupied by Robb, Peck, Scholfield and others, for rooms were scarce in those days. Along about morning a man by the name of McGinley became sick from the effect of his gormandizing. The party resolved to walk him. They took him out to an old sawmill near town, and there, placing him face downward on the smooth surface of a sycamore log, Peck holding him by one leg and Scholfield by the other leg, proceeded to churn him over its smooth surface, telling him to "Heave it up, brother McGinley, heave it up! If you'll do so you'll not die this time." McGinley recovered, but was not in court next day. Mother Litzleman demanded of them who had taken her pies and cakes. All claimed it was the Robb-man from Crawford. She told them that she found a lot of their empty bottles. They denied knowing anything about them, and told her they did not belong to them and if she found anything of that kind in their room she was perfectly welcome to them. Mother L. said Scholfield and Peck were the most thorough gentlemen who ever stopped with her. Very polite, very affable, and to see them neatly attired going to court one would never have thought they were guilty of jostling McGinley across a sycamore log.

Judge Scholfield was a very plain and practical man. At one time he was asked if he intended to make professional men of all his boys. He replied, "All men cannot be lawyers and doctors. If my boys make an honest and respectable living I shall be satisfied." He always had a kind word and genial smile. Before his death he loved to talk about his friends on the old circuit that he left. He was a devoted man to his town, county and state. Few men could resist the temptation of being judge of the supreme court of the United States as he did. President Cleveland tendered him the place, but he declined it. Speaking of it one day he said: "I like the quiet of my home best. I think I am acquainted reasonably well with the statutes of Illinois and the decisions. I would be compelled to study anew the statutes and decisions of the United States. I couldn't afford to do so at my time of life. Aside from this Washington is not a good place to raise my boys." At the bar he was the leading lawyer of eastern Illinois. On the bench he had no superior in the state.

CHAPTER IX.

THE COURTS AND THE LAW PRACTICE IN CHICAGO: A SKETCH.

BY THOMAS DENT.

THE county of Cook was created by an act of the general assembly approved January 15, 1831. Its boundaries embraced a considerable part of the present county of Will and all the territory since organized into the counties of Du Page and Lake. Its considerable territory was but sparsely settled, and only at a few points. As the country became more fully settled the others of said counties embracing a part of what was originally Cook county were organized. The organization of Will county occurred in 1836; that of McHenry county, the eastern part of which afterward became Lake county, also occurred in 1836; that of Du Page county occurred in 1839.

The same act which declared the boundaries of Cook county made provision for the organization of two other counties, to-wit: La Salle county, the northeast corner of which was to be the southwest corner of Cook county, and Putnam county, still farther southwest, and cornering upon La Salle county. The three counties had large proportions, but did not have extensive or large settlements; but the region was attractive in its woods, waters and fertile soil. La Salle is still a large county, the next to the largest in the state, but by the organization of intervening counties it has become more segregated from its former neighbor, Cook county.

The prospect of a canal to connect the waters of Lake Michigan with those of the Illinois river, a project which was delayed many years, though kept in mind, is reflected in the act organizing these counties, especially in the location of the county seats of Cook and La Salle counties at Chicago and Ottawa, at sites laid out by the canal commissioners.

Notwithstanding the same act declared that the western boundary of the county of Cook should extend from the southwest corner of township 34 north, range 9 east, due north to the northern boundary line of the state, a distance of not less than seventy-eight miles, and that the boundaries of the county were so designated as to embrace all the northeastern part of the state eastward of the line drawn for the western boundary, and northward of the present counties of Cook and Du Page, yet a clause in the last section of the act provided that "All country north of Cook county and parallel with the lines of the same as far northward as Rock River is hereby attached to Cook county." There seems to have been some territory that might be called *terra incognita*; but doubtless the legislators anticipated the organization of other counties in a part of the territory more or less permanently assigned to constitute a part of Cook county, or so attached thereto.

In the year 1831, also, a redistricting of the state for judicial purposes was made by the legislature. In doing this, the legislative act of February 16, 1831, required that the chief justice of the supreme court and the associate judges thereof, and the circuit judge of the fifth judicial circuit, the latter being the Hon. Richard M. Young, should hold the circuit court at times therein designated. The act provided that the counties of Cook, La Salle, Putnam, Peoria, Fulton, Schuyler, Adams, Hancock, McDonough, Knox, Warren, Jo Daviess, Mercer, Rock Island, and Henry (fifteen counties then, but more than twice that number now), a principality in dimensions, should constitute the fifth judicial circuit.

Judge Young had presided in the third judicial circuit from January 19, 1825, until the circuit judges were legislated out of office in 1827, when he was succeeded by Judge Thomas C. Browne, one of the judges of the supreme court. Judge Young had, however, when Cook county was organized, again been selected to preside in the fifth judicial circuit, and was therefore designated as above to hold the courts in that circuit. Two terms in each year were provided for as to the county of Cook; one to be held on the fourth Monday in April, and the other to be held on the second Monday in September. As the court in La Salle county, to be held at Ottawa, was to begin on Friday after each of the Mondays so designated, only about two days at each regular term were actually allowed for the holding of the court in Cook county; for the judge, being required to go from Chicago to Ottawa, must necessarily have taken about two days' time for the journey.

The time thus allotted would seem to have been sufficient for at least the first year or two after the organization of the county of Cook, as to which time there is meagre information as to the business in the court, the records having been destroyed in the great fire of October 8 and 9, 1871. A newspaper was published in Galena as early as 1829, but none made its advent in Chicago until November, 1833. Undoubtedly Judge Young, who was an able and experienced official, a fine-looking man, and having a good horse to carry him from county to county, discharged his duty by attending to open the court as required by law. There is information, more or less distinct, of the holding of the court in Fort Dearborn in 1831. It is said to have been held in the house of James Kinzie in 1832. Judge Young's diligence in holding his court in other counties, as their records show, indicates that he attended regularly in Cook county, and we may suppose that where the gospel was preached the law was not voiceless.

As illustrating the need of a horse to carry the judge from court to court, reference may be made to a passage in Ballance's History of Peoria, showing that the author, a highly worthy citizen and lawyer of Peoria, met Judge Young in that city in the spring of 1833 and arranged to accompany him in a journey by horseback to Chicago, where the judge was to hold court, he having already journeyed in that way from Quincy. The distance to be traveled in such a trip from Quincy to Chicago would be about three hundred miles.

In the order of time as to the coming of lawyers, Russell E. Heacock preceded both Giles Spring and John Dean Caton in settling in Chicago, but they became much more especially prominent in the profession.

Judge Caton, in his *Reminiscences*, speaks of a jury case in a civil action in which he participated at a term of the circuit court in the spring of 1834 as being the first jury case, meaning, perhaps, that such cases, on the civil side of the court, had up to that time been infrequent, if, indeed, any had actually come to so full a trial. The statement almost necessarily implies that the character of the inhabitants, and the nature of the business transactions carried on in Cook county up to that time, had not required much attention from the courts of record, whatever may have been done in the justices' and probate courts.

By act of January 17, 1835, the sixth judicial circuit was created. It embraced the counties of Jo Daviess, Rock Island, Mercer, Henry, Peoria, Putnam, La Salle, Cook, and Iroquois, then something like one-third of the state. The salary of a circuit judge at that time was seven hundred and fifty dollars per annum. The times of holding the circuit court in Cook county were by that act fixed for the fourth Mondays in May and first Mondays in October. The terms in the other counties of the circuit were earlier in the year, and it was not, therefore, incumbent on the judge to hurry from the court in Chicago to open court in the other counties of his circuit, but provision was made for holding special terms for the hearing and deciding of chancery causes, and also special terms for the trial of civil and criminal causes.

At that session of the legislature there was passed an act to change the corporate powers of the town of Chicago, and sections 9 and 16 and north and south fractional sections 10 and fractional section 15 in township 39 north, range 14 east, were declared to be within the boundaries of the town.

The term of the circuit court in 1835 seems to have been held May 25, 1835, to June 9, 1835, by the Hon. Sidney Breese, of Carlyle, Illinois. The next term appears to have been held by the Hon. Stephen T. Logan, of Springfield, by interchange with the Hon. Thomas Ford, and seems to have begun the first Monday of October, and to have closed for the term October 11th. These terms are said to have been held in the First Presbyterian church. At the next term the second murder trial held in the county seems to have occurred. Judge Ford presided at the spring term, 1836, and again at the fall term, 1836, at which latter term the Beaubien land case, involving a claim to the government reservation at Fort Dearborn, was tried.

By act of March 4, 1837, there was appropriated two hundred and fifty dollars per year to be paid to the judges of the circuit courts in addition to their salary at the time, except as to the judge in the sixth circuit, his salary not being increased apparently. At that session of the legislature, also, the city of Chicago was incorporated. Its bounds were extended somewhat beyond those of the prior town of Chicago, and a municipal court to be held therein was established, such court to have concurrent jurisdiction with the circuit court in all matters arising in Cook county. The judge of the court was to be elected by the general assembly on joint ballot, and seven terms per year of the court were provided for, with power in the common council to increase the number of terms. By act of July 21, 1837, a judge of the municipal court was empowered to perform all the judicial duties appertaining to the office of a judge of the circuit court.

The May term, 1836, of the circuit court and the October term in that year were presided over by the Hon. Thomas Ford. Judge Ford had in earlier times been elected by the general assembly twice to hold the office of state's attorney. He was on four different occasions elected by the general assembly to the office of judge, and on one of these occasions became judge of said municipal court. He afterward, as is well known, served one term as governor of the state, and subsequently pursued the practice of his profession in the city of Peoria until his final illness and death. He was in all positions an excellent officer, and was admirably well qualified to sit as judge. A writer has spoken of him as having been a pupil of Daniel P. Cook. Our county was named in honor of Mr. Cook, a representative in congress of this part of Illinois, and the county of Ford was named in honor of Thomas Ford. Judge Ford resigned his position as judge of the supreme court of the state in August, 1842, upon consenting to become a candidate for governor.

By act of February 4, 1837, the counties of Cook, Will, McHenry, Kane, La Salle and Iroquois were formed into an additional circuit to be called the seventh judicial circuit. By act of March 4, 1837, the times of holding courts in said circuit were fixed, and three terms per year were provided for as to Cook county.

It is very evident that at that time a considerable increase in the business of the courts in Chicago had occurred. The Black Hawk war of 1832, the Indian treaties, freeing a large body of lands for settlement by immigrants, the opening of the United States land offices in Chicago, and great activity in business affairs and in speculation, had helped to increase the importance of the young city; and we may feel sure the work for lawyers and judicial functionaries kept pace with the times.

Upon creating this seventh circuit, which was to date from the 1st of June, 1837, John Pearson of Iroquois county was elected by the general assembly to preside therein.

The aforesaid act of February 4, 1837, seems to have been construed as relieving Judge Ford from the position of circuit judge, so far as concerned the seventh circuit, and Judge Pearson appears to have presided in Chicago a part of the time in that year and at the March term, 1838, though the Hon. Jesse B. Thomas seems to have presided in the court at the August term, 1837.

Unpleasant relations between the bar of Chicago and Judge Pearson were brought to the attention of the supreme court of the state in different instances. Scenes which were almost dramatic are represented, for example, in *The People, etc., ex rel. Teale vs. John Pearson*, 1 Scam., 458, and *The People, etc., ex rel. Bristol vs. John Pearson*, 2 Scam., 189. In looking into the report of those cases we find Messrs. Justin Butterfield and James H. Collins, eminent in their time, acting for the relator in the earlier of the cases which came up for hearing in the circuit court before Judge Pearson at the March term thereof, 1837, and the hearing of which was renewed before the same judge at the May term of the court, 1838. We also find James Grant and Francis Peyton opposing in the supreme court a motion for a mandamus against the judge. In the latter of said

cases we find Messrs. J. Young Scammon and Isaac N. Arnold to have been the opposing counsel in the case before Judge Pearson at the May special term of the circuit court in 1839. In this case, also, the late Thomas Hoyne, who had just prominence as a citizen and lawyer for many years before his death, made an affidavit showing the proceedings in the court when Mr. Butterfield asked to have a bill of exceptions signed by Judge Pearson, the result of which application seems to have been that the court assessed a fine against Mr. Butterfield for what the court deemed an interruption of the proceedings of the court. On this occasion Mr. Hoyne seems to have been taking care of the minutes of the court for the clerk of the court.

It may be said of the lawyers in practice in Chicago at that time that they had come mainly from New York, Kentucky, Virginia and North Carolina, and were of an order of men whose relations toward the judge presiding would be of great consequence to that official in respect to the harmonious working of the court. The one of them of most advanced age was Justin Butterfield, who had been in practice in the state of New York for some time before coming to Chicago, and whose eminence as a lawyer was well recognized. Mr. Butterfield was for a time United States attorney, and during the administration of President Zachary Taylor was appointed commissioner of the general land office at Washington, a position for which Abraham Lincoln was a candidate at the time, one, too, which seems to have been recognized as a political plum in some sense belonging to Illinois. Mr. Butterfield was leading counsel in a variety of important cases, such as *Field vs. The People*, 2 Scam., 79, involving a contest between A. P. Field and John A. McClernand in respect to the office of secretary of state, and *Spragin vs. Houghton*, 2 Scam., 377, involving a question as to the right of suffrage under the constitution of 1818. It has been said of Mr. Butterfield that in personal appearance he resembled Daniel Webster, of whom he was an admirer.

Without entering into long episodes, it will not be practicable to speak at any considerable length of individual members of the Chicago bar, either of the time already touched upon or in later times. It may, however, be said generally that it should be reckoned fortunate in the matter of jurisprudence and in the history of Chicago, that so worthy and able a body of lawyers entered into practice here in the early times of which we have been speaking. Foundations in character and attainments were well laid.

The term of office of Judge Pearson, as presiding judge in the seventh circuit, continued from February 4, 1837, to November 20, 1840. It is in a measure to be conjectured that in having the municipal court, above mentioned, with Judge Ford to preside therein, the bar of Chicago managed to get along pretty well during the incumbency in office of Judge Pearson. Personal relations do not seem to have been so strained that Mr. Scammon, Mr. Spring, afterward Judge Spring, and Mr. Butterfield, would refrain from practicing in Judge Pearson's court. They, for example, may be supposed to have appeared before him at the March term, 1839, of the court. That, however, was held by the supreme court to have been an irregular term, as having been held under a misinterpreta-

tion of the statute, or from not observing the repeal of the statute which had formerly fixed a term for that time. This appears from *Goodsel vs. Boynton*, 1 Scam., 555.

Prior to 1841 the lawyers who appeared in the supreme court in cases taken from Cook county were Thomas Ford, John Dean Caton, Buckner S. Morris, James Grant, Giles Spring, Justin Butterfield, Ebenezer Peck, William H. Brown, Norman B. Judd, James H. Collins, Francis Peyton, Isaac N. Arnold, J. Young Scammon, Mahlon D. Ogden, Mark Skinner, George A. O. Beaumont, Jesse B. Thomas, Grant Goodrich, Alonzo Huntington, S. Lisle Smith, Jesse B. Thomas, A. G. Leary, E. G. Ryan. These are worthy and prominent names. The gentleman last named removed to Milwaukee and was there eminent as a lawyer and chief justice of Wisconsin. The list would be considerably extended if made to embrace the names of gentlemen who have at some time since become residents of Chicago, in which category would be placed the names of Hon. Lyman Trumbull and other lawyers of deservedly high distinction. Judge Ford is named along with lawyers residing in Chicago because of his holding the offices of state's attorney and judge respectively.

Some of the gentlemen above named argued many cases in the supreme court in the terms thereof held at Vandalia, and after June, 1839, at Springfield. These may be taken as representatives, worthy representatives, of the bar of Chicago during the period of ten to fifteen years from the organization of Cook county; or perhaps for a period somewhat more prolonged. Besides various minor positions, the gentlemen named held prominent public office. A few words the better to illustrate this fact, are added as to some of these pioneer lawyers.

John Dean Caton served with great honor and distinction as circuit judge and as a judge of the supreme court of the state, once by the appointment of Governor Ford, again upon election upon joint ballot of the general assembly, and upon election by the people again and again after the adoption of the constitution of 1848, until he resigned in 1863, to be succeeded in the office of judge of the supreme court by the Hon. Corydon Beckwith, since deceased.

Buckner S. Morris was a circuit judge. He was the second mayor of Chicago. James Grant was state's attorney for a time while residing in Chicago, and after his removal to Iowa became a judge of the supreme court of that state. Giles Spring was judge of the Cook county court at the time of his death. Ebenezer Peck was for a long time reporter of the supreme court of the state, and became judge of the court of claims at Washington. Norman B. Judd was for a long time in the state senate of Illinois, was a member of congress from the Chicago district, and represented our government in one of the chief European capitals during the administration of President Lincoln. J. Young Scammon was a member of the state legislature. He is to be mentioned below as reporter of the supreme court. James H. Collins, William H. Brown, and George A. O. Beaumont were also prominent as to official positions incidental to legal attainments, and were in every way worthy of special mention if space permitted. Mr. Scammon was reporter of the decisions of the supreme court of the state, accepting that office in July, 1839. The Hon. Sidney Breese had previously edited the volume

known as Breese's Reports. Mr. Scammon published four volumes of the reports, including the decisions rendered at the December term, 1843, of the supreme court. The preface to his first volume shows that it was difficult to make up the reports on account of lack of a library, and that for various other reasons book-making in Illinois was attended with not a little trouble. Isaac N. Arnold filled with high distinction such offices as member of the state legislature and member of congress. Mahlon D. Ogden was probate justice of the peace. Mark Skinner, whose residence in Chicago began in July, 1836, was at one time United States district attorney, succeeding Justin Butterfield on Mr. Butterfield's resignation of that office. He also succeeded Judge Spring as judge of the Cook county court, and declined re-election when his term expired in 1853. Jesse B. Thomas was for a time a judge of the supreme court. Alonzo Huntington filled the office of state's attorney for four years,—1837-41. Grant Goodrich was a judge of the superior court of Chicago, now the superior court of Cook county.

In running through the reports for a long period, the names of lawyers already mentioned as having appeared in cases in the supreme court would still remain prominent, either as practitioners at the bar or as presiding in the courts. Some additional names, well worthy of more especial notice, not including the names of gentlemen who afterwards came to Chicago, would appear; among which names occurring soon are those, for example, of Henry Brown, author of a history of Illinois; S. Lisle Smith, formerly of Philadelphia, and distinguished for eloquence; John J. Brown, of distinction as an advocate and a leader in establishing the earliest law school in Chicago; James A. McDougall, subsequently United States senator from California; Patrick Ballingall, a member of the constitutional convention of 1847, and state's attorney, and prominent and distinguished in practice in criminal cases. The reports also show that the Chicago lawyers of the period of which we have treated participated largely in the reported cases tried elsewhere than in Chicago, including the circuit court of the United States, which was held at Springfield until the northern district of Illinois was established by act of congress, after which Judge Thomas Drummond held the United States circuit and district courts until he became United States circuit judge, in 1869, after which time he and the Hon. Henry W. Blodgett held those courts, with occasional assistance from other judges.

The municipal court of Chicago was abolished by act of February 15, 1839, and its records were transferred to the circuit court. By act of February 21, 1845, there was organized a court which was called the Cook county court, four terms of which were to be held in the city of Chicago in each year. By act of November 5, 1849, the title of said court was changed so that it was to be thereafter called the Cook county court of common pleas. Again, in 1859, it was enacted that the court should be called the superior court of Chicago. It is now, under the constitution of 1870, called the superior court of Cook county. At the time of the change made in 1859 a single judge, who at that time was the Hon. John M. Wilson, held the court. There are at the present time (December, 1898) fourteen judges of the circuit court and twelve judges of the superior court. The number of masters in chancery has been increased from one in the county in early times

to twenty-six acting as masters in chancery of the circuit and superior courts respectively.

For a period of years, beginning with 1853 and continuing until the adoption of the constitution of 1870, the recorder's court of Chicago, a court having criminal jurisdiction, was in existence. It was presided over in turn, during their respective terms of office, by the Hon. Robert S. Wilson, the Hon. Evert Van Buren and the Hon. William K. McAllister.

At the time of the adoption of the constitution of 1870 the judicial business in Chicago was transacted in:

1. The circuit court, over which one judge presided, that judge at the time of such adoption being the Hon. Erastus S. Williams.
2. The superior court of Chicago, over which three judges presided from 1859, each of the judges usually holding a branch of the court.
3. The recorder's court, above mentioned.
4. The county court of Cook county, which then had probate jurisdiction.

Judge Drummond was at the time presiding as United States circuit judge, and Judge Blodgett was presiding as United States district judge. Once a year the Hon. David Davis of the supreme court of the United States, sat here a short time. Judge Blodgett, of course, presided in the circuit court at times, and generally, as well as in the district court.

The constitution of 1870 made provision for adding to the bench of the circuit court three judges in addition to the then sitting judge of the circuit court and the judge of the recorder's court of Chicago, both of whom were continued in office as judges of the circuit court, and the county was not connected with any other in dividing the state into circuits. Provision was also made for adding to the number of judges in the circuit court and the superior court of Cook county. The addition which has occurred to the number of judges in the two courts just named has been made by virtue of acts of the general assembly recognizing the increase of population in Cook county, one judge being authorized for every additional fifty thousand inhabitants of the county over and above four hundred thousand. Now (December, 1898) there are fourteen judges of the circuit court and twelve judges of the superior court of Cook county. By the constitution of 1870, also, the recorder's court of the city of Chicago is called the criminal court of Cook county. In that court but one judge presided in 1870, but the services of from three to five judges holding separate courts have been found to be necessary, on account of the increase of business.

In 1877 provision was made for an appellate court, in which three judges were to preside, and the county of Cook was made the first district, there being three other districts in the state. The dockets in the appellate court of the first district are so large that a branch of that court has been organized. The three judges of that court and the three judges of such branch are selected from the circuit court and superior court judges. The number of cases going to the supreme court of the state from Cook county is also very considerable as compared with the number going from any of the other counties of the state.

The supreme court has, under the constitution of 1870, been held by seven

judges, one of whom is elected from the seventh district, comprising the counties of Lake, Cook, Will, Kankakee and Du Page.

The business to be transacted in the county court reached such volume that in 1877 a probate court was provided for, having in some respects the former jurisdiction of the county court. This probate court was intended to be presided over by a single judge. The business in the county court has, notwithstanding such division of it, since increased to such an extent that it is necessary to have the services in the holding of that court of one or more additional judges called from other counties in the state.

The common-law system prevails in the main, though somewhat modified by statute, the changes provided for giving more flexibility or choice as to forms of action and facilitating amendment. Since 1827 the law of the state has limited the right of the judges to instruct juries, except as to the law, and since 1845 it has been requisite to give the instructions in writing.

In primitive times the lawyers were men of all work, usually knowing how to prepare their pleadings and try cases upon short notice, and having but limited libraries. The private libraries began to grow very much in the decade following 1850. In a few years some of them became considerable. The library of the Chicago Law Institute was collected after 1859, and has been renewed and greatly enlarged since the great fire, and other of the law libraries in Chicago, including a considerable library collected by the Chicago Bar Association, are worthy of note.

Especially after the year 1850 a great influx of lawyers into Chicago began to occur. Prominent lawyers who had made their mark in other parts of the state, or in other states, east, south, west, and north, began to come, and large numbers have continually come to Chicago, as to a great center presenting flattering, if not boundless, opportunities. Among these have been many persons of great professional eminence and ability. Younger men, also, including some trained abroad or in the British dominions, have come to try their fortune with those to the manor born. An excellent law school was established in 1859. Now there are four or five law schools in Chicago. The law school connected with the University of Michigan, and the law school of the University of Wisconsin, and various other law schools, east, south and west, have contributed to the education of the lawyers at the bar in Chicago, and have hundreds of representatives here. The old-fashioned methods of studying with the older lawyers, while assisting in the work of the law offices, have given place in great measure to attendance in law schools.

By act of February 12, 1853, "To regulate the practice in the circuit court of Cook county and the Cook county court of common pleas," five terms of the former court in each year and eight terms of the latter court in each year were provided for, some of them, however, being called vacation terms, and sundry points of practice not previously called for by the statutes were established, these including the requirement of an affidavit of merits to be filed with the plea in certain cases, and the giving of authority to the court to assess damages without the intervention of a jury in cases of default. There were other provisions, also,

having reference to the dispatch and systematic conduct of the business of the courts. More recently an affidavit showing the plaintiff's claim, and upon which an assessment of damages may sometimes be had, has been provided for. Monthly terms of the various state courts are provided for, and they are open the year round, except that for about two months only emergency business is transacted, save in the criminal court.

Provision has been made for the distribution of causes upon separate dockets, so that there may be and are in the state courts as many trial dockets or calendars as there are judges. In the distribution allowed the causes pending upon notes and other instruments in writing for the payment of money only, and upon accounts, may be on one docket in each court, and appeals from justices of the peace on another. The power of distribution is, indeed, quite general, leaving the matter to the discretion of the respective courts. A short cause calendar is also provided for to include cases which are expected to occupy not more than one hour's time each. One day in each week may be devoted to this calendar. Provision has also been made for submitting cases orally without formal pleadings, though this method of proceeding has not come into very general use. Provision is also made for submitting in writing propositions of law when cases are tried without the intervention of a jury, and for the entry of judgment by confession in vacation.

Much has been done to regulate the practice and to enable the courts to manage their business. It was not until the year 1858 that stenography began to figure in the courts. In that year Robert R. Hitt, since well and favorably known to the country at large in the diplomatic service and as member of congress from one of the districts of Illinois, occasionally used his skill as a stenographer in court reporting. At the present day (December, 1898) the stenographic and type-writing work in the law offices and in the courts is a very great factor, giving employment to an army of experts in such work, not only in the courts and in such offices, but also in offices of the masters in chancery, of whom there are twenty-six in state courts.

An account of the practice of law in Chicago would, of course, embrace at least some general mention of the United States circuit and district courts and also the United States circuit court of appeals. In the work of those courts three circuit judges and the resident district judge, and district judges called in from the southern districts of Illinois and other districts of the circuit embracing Indiana, Illinois and Wisconsin, participate. A justice of the supreme court of the United States also attends at times, sitting in the circuit court or in the circuit court of appeals as occasion requires.

Indication of the fact that the volume of business has increased very greatly appears from what has been said as to the increase in the number of judges. Take, for example, the year 1855, and it is easy to enumerate the judges then presiding in Chicago. In the United States courts there would be expected to sit Mr. Justice McLean, of the supreme court of Illinois, when on circuit visiting Illinois for a short time in each year, but more constantly, Hon. Thomas Drummond, then district judge, residing here. In the circuit court of Cook county

presided the Hon. George Manierre, who became circuit judge in June, 1855, and did circuit duty in holding the court in Lake county, as well as in Cook county. The Hon. John M. Wilson then presided in the Cook county court of common pleas, the Hon. Robert S. Wilson presided in the recorder's court of Chicago, and the Hon. Henry L. Rucker presided in the county court.

Ten years later, namely, in 1865, the Hon. David Davis had succeeded Judge McLean; the Hon. Erastus S. Williams was presiding in the circuit court of Cook county and also in Lake county, as successor of Judge Manierre, and the superior court of Chicago had been reinforced by the addition of two judges, as above stated.

Also, as indicating the increase in the volume of business, it may be added that since the great fire of October 8 and 9, 1871, and prior to September 20, 1898, there were docketed in the circuit court of Cook county one hundred and ninety-three thousand, three hundred and eighty-six cases and in the superior court of Cook county one hundred and eighty-eight thousand three hundred and twelve cases. This does not include any enumeration of the cases in the criminal court of Cook county, nor any mention of those in the present county court, nor of probate matters in the probate court.

Specialties have, of course, become necessities in the conduct of the work of the bar in the vast range of cases. Accordingly, out of more than forty-two hundred lawyers catalogued in a legal directory in the spring of 1898, upwards of seventy-five are supposed to be exclusively engaged in patent-law business. A number have made a specialty of admiralty matters, a large number pay chief, if not sole, attention to practice in criminal cases. Others are engaged more or less exclusively in railroad cases, others in insurance cases, and others in copy-right matters and cases, or in representing private corporations or mercantile establishments.

The conduct of the business of large railroad and other corporations has required the employment of general counsel, general solicitors and attorneys to a large number, some of these having supervision over the cases concerning their respective corporations in widely extended areas of our country, and in many jurisdictions.

CHAPTER X.

THE BENCH AND BAR OF SANGAMON COUNTY.

THE first constitution of the state declared that the judicial powers of the state should be vested in one supreme court, and such inferior courts as the general assembly should from time to time ordain and establish. This supreme court consisted of a chief justice and three associates. They were appointed by joint ballot in both branches of the general assembly, and commissioned by the governor, and held their offices during good behavior, until the first session of the legislature in 1824. They were required to hold the circuit courts in the several counties in each month, and at such times as the general assembly should by law prescribe. The state was accordingly divided into four districts, and by an act approved February 11, 1821, Sangamon county, together with St. Clair, Madison, Greene, Pike and Montgomery were constituted the first judicial circuit, and John Reynolds, associate justice, assigned to it.

The first term of the Sangamon county circuit court was held at the house of John Kelly, on Monday, May 7, 1821. There were present John Reynolds, judge; Charles R. Matheny, clerk; John Taylor, sheriff; Henry Starr, prosecuting attorney, pro tem.

Suit was commenced by Samuel L. Irwin against Roland Shepherd, for trespass, and dismissed at plaintiff's cost. Three indictments were found by the grand jury, two for assault and battery and one for riot, trials of which were deferred until the next term of court. This completed the business of this term of court, and judge, lawyers and spectators all adjourned.

An act of the legislature was passed and approved by the governor February 17, 1823, by which Montgomery was detached from, and Morgan and Fulton added to, the first judicial circuit, and this was further changed December 29, 1824, by which the district was formed of Sangamon, Pike, Fulton, Morgan, Greene and Montgomery counties. At this time the state was divided into five circuits. John York Sawyer was appointed to the first circuit composed of the counties named. John York Sawyer was a remarkable man, remarkable at least for weight, David Davis being a common-sized man by his side. He was an ill-tempered man, too, notwithstanding his size. While he was on the circuit the law provided for whipping men for petit larceny. Sawyer, says Linder, was a terror to all such offenders, and was fond of snapping up the lawyers who defended them. A fellow was once tried before him for petit larceny and convicted. He was defended by Alfred W. Cavarly, who moved an arrest of judgment and a new trial, and begged his honor to allow him to go over to his office and get some authorities which he wished to read in support of his motion.

"Oh, certainly, certainly," said Sawyer to him, assuming one of the blindest

looks possible, "the court will wait with the greatest pleasure on you, Mr. Cavarly." Cavarly made one of his profoundest bows and retired. Scarcely had he left the court house when Sawyer said to the sheriff: "Mr. Sheriff, take the prisoner out to yonder white oak tree (pointing to one through a window which was back of him, and about fifty yards off), strip him to the skin, and give him thirty-nine lashes on his back, well laid on."

The sheriff executed the sentence of the court with great speed. Sawyer turned around and looked out of the window while it was being executed, and in a loud voice, while the blood was streaming down the culprit's back, counted the number of strokes on his fingers—one, two, three, and so on up to thirty-nine. The sheriff washed the back of the prisoner, reclothed him, and brought him into court. He was scarcely seated when Cavarly made his appearance with his arm full of law books, and with great confidence said to the court: "May it please your Honor, I am now prepared to show beyond a doubt that my client has been wrongfully convicted, and is entitled to a new trial." "Very well, Mr. Cavarly, go on; the court will hear you with great pleasure." Sawyer had the malice to let Cavarly proceed and read authorities for some time, but at last interposed and said: "Mr. Cavarly, you have satisfied the court, and if you desire it I shall grant you a new trial." But at this point his client whispered in his ear: "Don't take it, Mr. Cavarly, or they will whip me again." The court went on to finish his remarks: "But I will inform you that your client has been whipped, and received thirty-nine lashes on his bare back, well laid on, for I saw and counted them." Cavarly exclaimed with great indignation:

"This is an outrage, and I protest against such conduct on the part of a court." "Oh, Mr. Cavarly, you have a right to protest. Clerk, enter Mr. Cavarly's protest on the record;" and turning to Mr. Cavarly, said: "Now, Mr. Cavarly, bring on your corn merchant (meaning a client of Cavarly's, who was charged with stealing corn), and we will dispose of him as we have with your hog merchant"—the man who had been whipped. Judge Sawyer has long since been dead.

A change was again made in the circuit by an act approved January 12, 1827, it now embracing Peoria, Fulton, Schuyler, Adams, Pike, Calhoun, Greene, Morgan and Sangamon; Samuel D. Lockwood being judge of the circuit.

In January, 1829, Sangamon county still formed part of the first circuit, together with the counties of Pike, Calhoun, Greene, Macoupin, Morgan, Macon and Tazewell. Two years later McLean was added to the circuit. No further change was then made until 1835, when there was a general reorganization, this district remaining the same, with the exception that Pike county was taken from it. Stephen T. Logan was elected this year, and served with great credit to himself and the district for two years. On the 20th day of March, 1837, William Brown was commissioned, and served four months, when Jesse B. Thomas, Jr., was duly commissioned. Judge Thomas, of whom mention is made in the history of the supreme court, resigned in 1839.

In 1839, a new judicial circuit, numbered the eighth, was formed, comprising the counties of Sangamon, McLean, Macon, Tazewell, Menard, Logan, Dane

(now Christian) and Livingston. This circuit was formed by act of the legislature approved February 23, 1839. Stephen T. Logan, a few days subsequently, received a commission as judge of the circuit, but resigned the office in about three months, and Samuel H. Treat was commissioned to fill the vacancy. Judge Treat was elected and recommissioned January 30, 1840, and held the office up to the time of the adoption of the new constitution in 1848. A sketch of Judge Treat will be found in connection with the supreme court chapter.

By the constitution of 1848 the state was divided into nine judicial circuits, in each of which a judge was elected September, 1848. The legislature was authorized to increase the number of circuits as might be required. No change was made in the eighth circuit, of which Sangamon county was a part. David Davis was the first judge elected in this circuit under the new constitution. In his *Reminiscences of the Bar*, General Linder had this to say of Judge Davis:

"For his promotion to the circuit judgeship, Mr. Davis was largely indebted to his old and tried friend, Abraham Lincoln, and to the eternal credit of Judge Davis, be it said, he never forgot it. When a member of the convention in 1860, that nominated the Republican candidate for president, Judge Davis had as large, if not a larger share in bringing about the nomination of Mr. Lincoln than any other member of that convention, and when Mr. Lincoln was elected, Davis was invited to accompany him to Washington as one of his suite. Mr. Davis is a large man—about six feet high, very corpulent, and weighing some three hundred and fifty pounds. He accepted Mr. Lincoln's invitation, and being somewhat conspicuous for his size, and for wearing a white silk hat, the aspirants for office perceived by the attentions paid him by Mr. Lincoln that he had no small influence with the president-elect, and they paid about as much court to the man with the white hat as to Mr. Lincoln himself.

"But I wish to go back to the time when he was circuit judge of the state of Illinois, and Mr. Lincoln and myself both practiced in his circuit—Mr. Lincoln in the whole of it, and I in the counties of Vermilion, Edgar and Shelby, and occasionally in Champaign. Judge Davis was a very impartial judge, and though not intending to show a preference for one of his lawyers over another, such was the marked difference he showed to Mr. Lincoln that Lincoln threw the rest of us in the shade. But as Mr. Lincoln could not take both sides of a case, Anthony Thornton, myself and other prominent lawyers, were employed on the opposite side of cases in which Mr. Lincoln was engaged on one side or the other. Judge Davis always treated me with great kindness and consideration, and I wish to state here, before going further, lest the reader should think that my practice was confined to cases in which I was opposed to Mr. Lincoln, that in weighty and hotly contested cases we were often associated together, so that I cannot say that I was at all damaged by the friendship shown for him by his honor, Judge Davis. I think it quite likely that had I been placed in the same relation to Mr. Lincoln that Judge Davis was, I should have shown to him the same consideration as was shown him by Judge Davis.

"Lincoln and myself generally put up at the same hotel, and frequently slept in the same room, and not unfrequently Lincoln and I occupied the same bed. Judge Davis was too large to take either of us for a bed-fellow. Among the most pleasant days of my life I recall those when we three traveled together from Danville to Paris, and from there to Shelbyville. The courts of those three places lasted on an average from two to three weeks each. Ah! what glorious fun we had sometimes!

"I will give a little incident here to show the eccentricity of Judge Davis, which occurred at the Paris circuit court. Judge Harlan, who was then judge on the circuit south of here, came up to Paris on some special business of his, and Judge Davis, observing him in the court house, invited him to come up and take a seat on the bench beside him, which Judge Harlan did; and while there a little appeal came up, in which there was only about three dollars in controversy, in which I was engaged. I read a decision of the supreme court which I thought, and which was decisive of the case. Judge Davis turned to Harlan and whispered in his ear, as I afterwards learned from Judge Harlan, 'Great God!' said he, 'for a lawyer of Linder's age and standing to read a decision of the supreme court in a little appeal case where there are only three dollars in dispute!' He nevertheless gave a decision in favor of my client.

"Another little circumstance I will relate, going further to show his eccentricity and his friendship for me. Some time in the year, I think of 1850, I went up to Springfield, either on a visit or on some business or other, when Judge Davis was holding his court there; and I had landed but about an hour when the prosecuting attorney, hearing that I was in town, came and employed me to assist him in the prosecution of a woman and her paramour for the murder of her husband by the administration of poison. As I entered the court room, Judge Davis being on the bench, and perceiving me to enter the room with my pipe in my mouth, said in an audible voice: 'Mr. Sheriff, you will permit no one to smoke in this room while court is in session except General Linder.' It created quite a laugh over the house, and you may rest assured I was not so modest or self-denying as to refuse to take advantage of the permission thus given me to smoke my pipe during the progress of the trial.

"I have already stated that Davis, by invitation of Mr. Lincoln, went with him to Washington, and was present at his inauguration, and I was informed remained there for some considerable time. And although he held no cabinet office under Mr. Lincoln, yet it was pretty well known that Mr. Lincoln had great confidence in Judge Davis, and consulted him on public affairs frequently during those dark and perilous days just before and after the war commenced. I am inclined to think that Mr. Lincoln tendered him a place in his cabinet, but Judge Davis waited for a safer and more permanent place. His ambition was to reach the supreme bench of the United States, and after a while, a vacancy occurring, Judge Davis was appointed to fill the place, over the heads of such men as Salmon P. Chase and other formidable aspirants. His nomination was confirmed by the senate of the United States. He has made a most excellent judge, and has delivered some opinions on constitutional questions which have given him a national reputation."

By an act approved February 3, 1853, the eighth circuit was composed of the following counties: Sangamon, Logan, McLean, Woodford, Tazewell, DeWitt, Champaign and Vermilion. As thus constituted it remained unchanged until 1857. By an act approved February 11, 1857, Sangamon county was made part of the eighteenth circuit, together with the counties of Macoupin, Montgomery and Christian. On the organization of this new circuit, Edward Y. Rice was elected and served as judge of the circuit until 1870. Judge Rice was elected to this office from Montgomery county, and served acceptably during the continuance of the circuit. He was a man of clear mind, a good judge of law, his judgment rarely being reversed. He was appreciated by the entire bar, not only of Sangamon county, but of the circuit.

In 1869, Sangamon county, together with Macoupin, embraced the thirtieth judicial circuit. Benjamin S. Edwards was commissioned judge of the circuit, and held the office about fifteen months and then resigned. While on the bench he was quite popular with bar and people.

John A. McClernand was elected to fill the vacancy, and was commissioned July 12, 1870. He remained in the office until the expiration of the term. A sketch of Judge McClernand appears in connection with the bar history.

The general assembly, by an act approved March 28, 1873, divided the state into twenty-six judicial circuits, Sangamon county, together with the counties of Macoupin, Shelby, Christian, Fayette and Montgomery, comprising the nineteenth. Charles S. Zane, of Springfield, was the first elected judge of this new circuit.

In 1877 the state was divided into thirteen judicial circuits, with three judges in each circuit. Horatio M. Vandever, of Taylorville, Charles S. Zane, of Springfield, and William R. Welch, of Carlinville, were the three elected for the fifth judicial circuit, embracing the counties of Sangamon, Christian, Macoupin, Shelby, Montgomery.

Horatio M. Vandever was raised in Sangamon county, but removed to Christian county when a young man, and there studied law and was admitted to the bar. He was elected judge of the twentieth judicial circuit in 1873, and retained as one of the three judges of the newly organized fifth circuit. Judge Vandever was highly esteemed by the bar, and made an excellent judge. Before being elected to this office he served a term in the legislature very acceptably. He declined a re-election on the expiration of his term, and later engaged in banking and in the practice of law in Taylorville. He died in 1895.

William R. Welch was from Carlinville, and was recognized by the bar and people as above the average ability as a judge. He died many years ago.

Jesse J. Phillips was elected, in 1879, and was a citizen of Hillsboro. He had but a short experience as judge, but served very acceptably. During the war he was recognized as a brave and gallant officer,—the colonel in command of one of our Illinois regiments, and was wounded two or three times during the service.

Agreeable to an act of the legislature, approved February 10, 1821, a court of probate was established in this county and James Latham was duly commissioned probate judge, and held the first term of court June 4, 1821. The only business transacted this day was to issue letters of administration to Randolph Wills on the estate of Daniel Martin, deceased. Court met and adjourned three times, after its first meeting, without transacting any business, until August 26, 1821, when the filing and recording the will of Peter Lanterman occupied the attention of the court one entire day.

James Latham, the first probate judge of Sangamon county, was born in Loudoun county, Virginia, October 25, 1768. He emigrated when a young man to Kentucky, and was there married to Mary Briggs in 1792. In 1819, with his family, he removed to Illinois, and settled at Elkhart Grove, then a part of Sangamon, but now of Logan county. As already intimated, on the organization

of the county he was appointed probate judge. He held the office but a few months and then resigned, having received the appointment of superintendent of the Indians around Fort Clark. Soon after receiving this appointment he removed his family to that place, and died there December 4, 1826.

Zachariah Peter was appointed to fill the vacancy occasioned by Judge Latham's resignation, and served about one year. Zachariah Peter was a Virginian by birth, but was raised in Kentucky, where he was married to Nancy Spaulding. In September, 1818, Mr. Peter arrived in Sangamon county, and finding an empty cabin in what is now Ball township, he moved his family into it, remaining there until the following spring, when he erected a cabin for himself about three miles north. Mr. Peter was one of the three commissioners appointed to locate the temporary seat of justice for Sangamon county, and filled several important county offices, serving for several years as one of the board of county commissioners. He died in Springfield, August 5, 1864.

Charles R. Matheny succeeded to the office of probate judge in 1822, and held the office for three years. He was born in Loudoun county, Virginia, March 6, 1786. When a young man he went on a visit to a brother in Kentucky, and was there licensed to preach by the proper authorities in the Methodist Episcopal church. In 1805 he was appointed by that body as missionary to a portion of the Illinois, but then known as the Indiana territory. He settled in what is now St. Clair county, and continued for some years to preach the gospel. While engaged in ministerial duties, he read law and was admitted to the bar. In 1817 he was appointed prosecuting attorney for the territory. In 1821 he was induced, by the tender of the office of county clerk, county auditor and circuit clerk, and other prospective advantages, to come to Sangamon county, arriving at Springfield in the spring of 1821. In Springfield and throughout the county he was very popular, and received many favors from the people. He was for several years president of the board of trustees of the village of Springfield, and held the office of county clerk until his death, which occurred October 10, 1839.

James Adams was the next to fill the office of probate judge, his commission bearing date August, 1825. Judge Adams held the office until 1843. Thomas Moffett was elected in 1843, and served until 1849.

By the constitution of 1848, counties not organized under the township organization law were governed by a board of justices, consisting of a county judge and two associates. The county judge performed under this law all the duties formerly devolving upon the probate judge. Under this act Thomas Moffett was elected to the office of county judge, and served four years.

John Wickliffe Taylor was elected to succeed Judge Moffett, and commenced his official life in December, 1853. Judge Taylor was a native of Kentucky, and after his marriage, in 1833, he moved to Springfield, Illinois, where he remained one year, and then settled on a farm in Cartwright township, where he was living at the time of his election.

William D. Power was elected as the successor of Judge Taylor, in 1857. Judge Power was born in Bath county, Kentucky, May 2, 1821, and was brought by his parents to Sangamon county the same year. Here he grew to manhood,

and so lived as to merit the esteem of all who knew him. In 1861 he was re-elected county judge, and died in office March 2, 1863. Norman M. Broadwell was elected to fill the vacancy caused by the death of Judge Power. He served out the term. William Prescott was the successor of Judge Broadwell, and served from 1865 to 1869. A. N. J. Crook was the next to fill the office of county judge. He was elected in 1869, and served four years.

James H. Matheny was first elected county judge in 1873, and re-elected in 1877. He made an extremely popular judge. When the county adopted the township organization law the office of associate justice was abolished, and the legislative duties performed by the county judge and associates were vested in a board of supervisors. The county judge was still retained in office as judge of probate.

By the constitution of 1870 county courts were created having original jurisdiction in all matters of probate, and made a court of record. By an act of the legislature it has been given common-law jurisdiction to the amount of one thousand dollars. A. N. J. Crook was the first county judge under the new law.

The bar of Sangamon county has ever been a subject of pride among her citizens. Some of the best legal minds, fairest logicians and finest orators of the age have practiced before her courts, many of whom have claimed a residence in the county.

In compiling a history of the bar one is astonished at the small amount of material for memoirs of those who have been so intimately connected with and exerted such influence upon the country's welfare and progress. Aside from the few who have become great, whose names are emblazoned on history's page, but little is known of many who at one time were very prominent in the legal profession in the county. But the names of Lincoln, Douglas, Shields, Baker, Logan, Trumbull, Hardin, Breese, Lockwood, Linder and scores of others mentioned in these pages will always find a place in their country's history, and Sangamon county has reason to be proud, not only of so many distinguished sons, but of the many others who have practiced in her courts.

Sangamon county was organized in 1821, and in the decade following, the names of Henry Starr, John Reynolds, Samuel McRoberts, Alfred W. Cavarly, William Thomas, Benjamin Mills, William A. Hamilton, William Mendel, James Adams, Thomas M. Neale, James M. Strode, Jonathan H. Pugh, Thomas Moffett, John T. Stuart, S. D. Lockwood, Judge Smith, Alfred Coles, Mr. Rogers, James Turney, John L. Bogardus, David Prickett and George Forquer appeared upon the dockets of the court—an array of distinguished names which would be an honor even to the bar of to-day, many of whom have since become distinguished, and few of whom are now living.

James Adams is the pioneer attorney of Sangamon county, having settled in Springfield in 1821, shortly after the county was organized. Mr. Adams was born in Hartford, Connecticut, January 26, 1803, from which place he removed to Oswego county, New York, in 1809, and thence to Sangamon county as already stated. For several years he had quite an extensive practice, being care-

ful and painstaking in working up his cases and in his clients' interests. In 1823 he was appointed justice of the peace, and was elected successively for many years. He took part in the Winnebago and Black Hawk wars. After an exciting personal canvass, he was elected probate judge in 1841, and died in office on August 11, 1843.

Jonathan H. Pugh was the second attorney to make Sangamon county his home. He arrived in Springfield early in the year 1823, and at once secured a good practice for that day. In the first decade of the bar of this county his name probably appears oftener on the docket than any other attorney. Mr. Pugh was from Bath county, Kentucky, and was a man of brilliant talents, a good lawyer for that time, and one whose wit never failed him on any occasion. Before a jury he was almost invincible. In society he was a prime favorite, having remarkably fine conversational powers. Before coming to Sangamon he located for a time in Bond county, and was there elected to the legislature. He also served Sangamon county in the assembly after his removal here. In 1831 he was nominated for congress, and made the race in opposition to ex-Governor Duncan. At this time the question of internal improvements was being agitated, especially the building of a canal from Lake Michigan to the Illinois river. Governor Duncan was a strong advocate of the canal, while Mr. Pugh advocated the building of a railroad, and was probably the first man in the state to advocate this measure. His views upon this question were doubtless one cause of his defeat. In 1833, while in the prime of life, Mr. Pugh "laid down life's burden and passed over to the other side."

Thomas M. Neale was born in Fauquier county, Virginia, in 1796. When a mere child, he was taken by his parents to Bowling Green, Kentucky. On the breaking out of the war of 1812, he enlisted and served his country faithfully as a common soldier. He studied law and was admitted to the bar in Bowling Green. In the fall of 1824 Mr. Neale arrived in Springfield, and at once commenced the practice of law. For some three or four years his practice was good. In the campaign against the Winnebago Indians in 1827, he was the colonel in command of all the infantry companies. After the Black Hawk war, Colonel Neale was elected surveyor of the county, and one of his first acts was the appointment of Abraham Lincoln his deputy. He was also a justice of the peace for many years, and as such united many couples in marriage, sometimes receiving as his fee only a saddle of venison. Mr. Neale died August 7, 1840.

James M. Strode was from Kentucky, and made his first appearance before the Sangamon county courts in 1823. He was then a young man of fair talents, rather showy in dress and manners, a good story-teller, and for many years was quite prominent in the courts of the state. Leaving Springfield he settled in Galena, where he died.

William S. Hamilton was a son of the noted Alexander Hamilton, of New York. He first figured in the courts of this county in 1825, though he was probably here the previous year. He was a man of great intellectual powers, but was unsteady in his habits. He served the county one year in the legislature.

Thomas Moffett was from Bath county, Kentucky, and came to Springfield

in 1826, where he engaged in teaching school and devoting his leisure hours to the study of law. He was admitted to the bar in 1828, and was the first in the county to receive a license to practice. Mr. Moffett was orderly sergeant of a company in the Winnebago war, and also captain of a company in the Black Hawk war. He served two years as county commissioner, and from 1843 served as judge of the probate court. Under the constitution of 1848 he was elected county judge for four years. While not taking high rank as a lawyer, Mr. Moffett was a man of excellent judgment, and made an excellent justice of the peace, probate judge and county judge. He died in 1877, at a very advanced age. He was many years a ruling elder in the Second Presbyterian church.

William Mendel was a queer genius, not much of a lawyer, and good for little else, unless it should be for being very witty. He occasionally failed to behave himself in court with that decorum demanded of the profession, and consequently was punished therefor by the presiding judge. He once appeared before Judge Sawyer and behaved himself in an unbecoming manner. The judge sentenced him to jail for the night. The next morning on going to the courthouse a calf was discovered in the judge's stand and a lot of geese in the jury-box, with Mendel addressing them in an impassioned manner. The judge took no notice of the indignity.

Samuel McRoberts was one of the best lawyers that followed the circuit, making Springfield a point. He was afterward circuit judge, and also United States senator from this state. He died before the expiration of his term. He was an excellent man to be with on the circuit, serving to beguile the weary hours in traveling from place to place. U. F. Linder, whose reminiscences are often quoted in this work, says he could give the heartiest laugh when amused of any man he ever saw.

Alfred W. Cavarly was a man well known by the elder members of the bar. He lived in Greene county and rode the circuit of which Sangamon formed a part for many years. He was considered a good lawyer, though a little egotistic. He always rode a good horse in his travels. On one occasion he interposed a general demurrer to one of Mills' pleadings, and sought thus to take advantage of some matter which could only be reached by special demurrer. When Cavarly discovered that he could only reach the defect by special demurrer, he insisted that his was a special demurrer because he had underscored part of it. Judge Lockwood decided against him. At dinner the same day, at which the judge and members of the bar were present, Cavarly sent his plate to Mills to be furnished with what he thought was a cut of venison. Mills sent him a piece which Cavarly discovered was beef, and he remarked, "Brother Mills, I wanted venison, and you sent me beef." "Oh," said Mills, "underscore it, Brother Cavarly, and that will make it venison." Mr. Cavarly was a member of the state legislature of 1836, and died a few years ago in Ottawa, Illinois.

Benjamin Mills was one of the ablest, most learned and accomplished lawyers of the early bar of this state. He was from Massachusetts, highly educated, and a man of a rare style of oratory, through which there ran a rich vein of

wit and irony. It was a talent he often indulged in in conversation. He rode the circuit in company with several others who later became prominent, and had few equals to contend with. As illustrative of his wit it is related that one day when he was in his cups, at his hotel, he was sitting about half asleep, when Cavarly stepped up to where he was sitting and laid his hand on Mills' bald head and remarked: "Friend Mills, you have quite a prairie on your head." "Yes, Cavarly," he said, "and do you know the difference between you and me?" "By no means, Brother Mills," said he, in quite a patronizing manner. "Well, I'll tell you," said Mills, "my prairie is on my head, but yours is inside your head."

Mills was the son of a New England Presbyterian minister, and came to Illinois at an early day, when there was a law authorizing a justice of the peace, if he heard a man swear, even upon the streets, to go to his office and enter up a fine of one dollar against him. Ben was a justice of the peace, and was one day taking his glass with another justice of the peace at his hotel in Greenville, Illinois, when he happened to let slip about a half dozen oaths. His brother justice said nothing about it at the time. This was in the morning. They met again at the same place in the evening and were taking another social glass together, when his friend remarked: "Brother Mills, you swore several oaths this morning, and you know the law makes it my duty to enter a fine against you of a dollar for each oath." "I know it, my brother," said Mills, "and thought of it as I went to my office, and being a justice of the peace myself, I entered upon my docket a fine of one dollar for each oath I swore." "Oh, well," said his friend, "that will do. Come, Brother Mills, let us have another glass." And when they were about to drink it, Mills remarked: "But you know, my brother, that the policy of the law is reformation and not vengeance, and feeling that object has been thoroughly accomplished in my case, by the fine, I am now considering the question of remitting it." After their glass and a hearty laugh they parted.

Mr. Mills was a powerful prosecutor. At Edwardsville, a lawyer named Winchester, killed a man named Smith, or at least was charged with the crime. Mills was his prosecutor. Felix Grundy, of Tennessee, then one of the greatest criminal lawyers in the southwest, was sent for to defend Winchester. The prosecution is said to have been one of the ablest, most fearful and terrible ever heard, and it required all the talent and oratory of Grundy, assisted by the presence and countenance of many of the leading attorneys and men of the place to prevent a conviction. Mr. Mills died about 1850.

John Reynolds is well known to every student of the history of Illinois, having been governor of the state, member of congress, and judge of the supreme court of Illinois. An amusing story is told of the governor which occurred while he was holding a term of the circuit court at Edwardsville. At that term a man named Green was tried before him on the charge of murder, and was convicted. Reynolds, who was always seeking popularity, desired the ill-will of no one, even of a murderer, and after the verdict of guilty had been read by the clerk in open court, turned to Green, his face all beaming with sympathy, said: "Mr. Green, I am truly sorry for you; the jury have found you guilty of murder, and I sup-

pose you know you have got to be hung?" "Yes, your Honor," said Green. "Mr. Green, I want you to understand that this is none of my work, but of a jury of your own selection. I would take it as a favor of you if you would communicate this fact to your friends and relatives. The law makes it my duty to pass sentence upon you and carry out the verdict of the jury. It is a mere matter of form, Mr. Green, so far as I am concerned, and your death can in no way be imputed to me. Mr. Green, when would you like to be hung?" "Your Honor," said Green, "if I had any choice in the matter, I should not like to be hung at all; but as it seems I have not, I have no preference of one time over another." Reynolds then turned to the clerk and said: "Mr. Conway, look at the almanac and see if the fourth Friday in December comes on Sunday." Conway, being a man of considerable humor, gravely turned to the almanac, and then looking up, said: "I find, your Honor, to my utter astonishment, that that day comes upon Friday!" "So it does, so it does," said Reynolds. Turning to Green, he said: "Mr. Green, the sentence of the court is that on the fourth Friday in December, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, the sheriff of Madison county will take you from the jail to the place of execution, and there, Mr. Green, I am sorry to say, he will hang you till you are dead, dead, dead, and may the Lord have mercy upon your soul. And don't you forget it, Mr. Green, that it is not my work, but that of the jury which tried you."

James Turney's name appears upon the records of the Sangamon circuit court for several years, beginning in 1824. He was a Tennessean by birth, but at this time lived in Carrollton. He was a man of fine personal appearance, of great natural, with but little acquired ability. When attorney general of the state, it is said that such was the reputation which had preceded him when traveling the circuits that many men indicted came into court and confessed guilty rather than stand a trial with him as prosecutor. He was a natural orator, and always commanded the most profound attention. No one could fail to recognize in a moment, when hearing him speak, that he was a man of considerable genius and talent. He served the state as attorney general and as commissioner of the Illinois and Michigan canal. He was also state senator from Greene county.

Henry Starr, at a very early day, left his native state of New Hampshire and settled in Kentucky, where he taught school and studied law. After being admitted to the bar, he removed to Edwardsville, Illinois, from which place he made his semi-annual trips around the circuit, his name appearing on the docket of Sangamon circuit court in 1822. He remained in the state but a few years, when he removed to Cincinnati, and soon was recognized as a leading lawyer of that metropolis.

George Forquer, a half-brother of ex-Governor Ford, was born in Uniontown, Pennsylvania, in 1794. With his mother and half-brother he moved to Monroe county, Illinois, at an early day, from which place he was elected a member of a legislature. In 1825 he was appointed by Governor Coles, secretary of state, and went to Vandalia in the discharge of the duties of that office. In December, 1828, he resigned the position, and in January following was

appointed attorney general by Governor Edwards. Resigning this latter office the same year, he removed to Springfield. He afterwards represented Sangamon county in the state senate, and was at one time register of the land office in Springfield. He was considered by his contemporaries a fair lawyer and had a good business. He died September 12, 1838.

In the decade from 1831 to 1841 an array of names appear, some of whom have made a reputation that is world-wide. For character, learning and ability the bar during this decade has never been surpassed either in Sangamon county or in any county in the state, and perhaps not in the Union. At what bar will be found the superior, or even the equal of Abraham Lincoln, Stephen A. Douglas, James Shields, Stephen T. Logan, John T. Stuart, Edward Jones, Dan Stone, Samuel H. Treat, Ninian W. Edwards, E. D. Baker, Cyrus Walker, Jesse B. Thomas and A. T. Bledsoe, all of whom engaged in practice and often appeared before the courts of Sangamon county during this time? Not alone as attorneys, but as statesmen, the greater number of the foregoing were prominent in after years. James C. Conkling, who was cotemporary with those named says this of law and lawyers at that time:

"Forty years ago business was not so great in extent as to occupy the full time of the lawyer. Suits were not so numerous or so important as to afford a support for himself and family. He engaged in political life as an employment, and solicited office to improve his slender income. A much larger number of the prominent members of the legal profession then became members of the state legislature or of congress than at present. The people demanded their political services, and they were happy and anxious to accommodate the people. A political contest gave them notoriety among the masses, and afforded them an opportunity to display their abilities. A reputation for eloquence and skill in debate was a recommendation as lawyers in the practice of their profession. Hence we find the names of Reynolds, Edwards, Cook, Casey, Breese, Browning, Hardin, Baker, Williams, Shields, Douglas, Trumbull, Lincoln, McClernand and numerous others almost as frequently, in the political annals of our state, as upon the records of our courts. As lawyers they were eminent; as statesmen many of them became illustrious."

In addition to those named, the records of the courts show the following named as practicing here between the years 1831 and 1841: Edward J. Phillips, Henry E. Dummer, William L. May, Josephus Hewitt, Charles Emerson, David Prickett, Jesse B. Thomas, D. B. Campbell, Justin Butterfield, Antrim Campbell, John D. Urquhart, John C. Doremus, James C. Conkling, Charles R. Wells, Schuyler Strong, B. S. Edwards and W. J. Gatewood,—a list of which the bar of any county might be proud.

During the latter part of this decade, the United States circuit court and the supreme court of Illinois were removed from Vandalia to Springfield. Isaac N. Arnold, in an address delivered before the Illinois State Bar Association, at Springfield, January 7, 1881, says:

I wish, with the graphic power of Sir Walter Scott, I could call up a picture of the United States circuit court and the supreme court of Illinois, and the lawyers then

practicing before them, as they were in 1839, and on during the following years. If we could, in fancy, enter the United States circuit-court room in this city, in June, 1839, we should be impressed with the majestic figure, imposing presence and dignified bearing of the presiding judge, John McLean, a justice of the supreme court of the United States. His person and face were often compared to Washington's—whom he is said to have strikingly resembled. Nathaniel Pope, the district judge, was shorter and stouter in person, more blunt and sturdy in manner, and not so familiar with the law books, the cases, and literature of the law, but of a most clear, vigorous and logical mind. If we enter their court, then held, if I am not mistaken, in one of the churches in this city, we should find Ferris Foreman, then United States district attorney, prosecuting the case of "The United States versus Gratiot," then a historic name in Missouri and the northwest, in a case arising under a lease, by the government, of a portion of the lead mines of Galena. We should hear the late Judge Breese making a very learned argument for the defense. If we lingered until the next case was called, we should hear the sharp, clear, ringing voice of Stephen T. Logan opening his case. If we remained until the trial ended, we should concur in the remark that this small, red-haired man, inferior in person, but with an eye whose keenness indicated his sharp and incisive intellect; this little man, take him all in all, was then the best nisi-prius lawyer in the state, and it would be difficult to find his superior anywhere. Among the leading practitioners in the court in Springfield in 1839 were Logan, Lincoln, Baker, Trumbull, Butterfield & Collins, Spring & Goodrich, Cowles & Krum, Davis, Hardin, Browning, and Archy Williams.

In those early days it was my habit, and that, also, of those practicing in the United States court, to come to Springfield twice each year, to attend the semi-annual terms of court held in June and December. We made our trips in Frink & Walker's coaches, and I have known the December trip to take five days and nights, dragging drearily through the mud and sleet, and there was an amount of discomfort, vexation and annoyance about it sufficient to exhaust the patience of the most amiable. I think I have noticed that some of my impulsive brethren of the Chicago bar have become less profane since the rail-cars have been substituted for the stage-coaches. But the June journey was as agreeable as the December trip was repulsive. A four-in-hand with splendid horses, the best of Troy coaches, good company, the exhilaration of great speed over an elastic road, much of it a turf of grass, often crushing under our wheels the most beautiful wild flowers, every grove fragrant with blossoms, framed in the richest green, our roads not fenced in by narrow lanes, but with freedom to choose our route; here and there a picturesque log-cabin, covered with vines; the boys and girls on their way to the log-schools, and the lusty farmer digging his fortune out of the rich earth. Everything fresh and new, full of young life and enthusiasm, these June trips to Springfield would, I think, compare favorably even with those we made to-day in a luxurious Pullman car. But there were exceptions to these enjoyments; sometimes a torrent of rain would in a few hours so swell the streams that the log bridges and banks would be entirely submerged, and a stream which a few hours before was nearly dry became a foaming torrent. Forging, at such times, was never agreeable, and sometimes a little dangerous.

I must not omit to mention the old-fashioned, generous hospitality of Springfield—hospitality proverbial to this day throughout the state. Among others, I recall, with a sad pleasure, the dinners and evening parties given by Mrs. Lincoln. In her modest and simple home, everything orderly and refined, there was always, on the part of both host and hostess, a cordial and hearty western welcome, which put every guest perfectly at ease. Mrs. Lincoln's table was famed for the excellence of many rare Kentucky dishes, and in season it was loaded with venison, wild turkeys, prairie chickens, quail and other game, which was then abundant. Yet it was her genial manners and ever kind welcome, and Mr. Lincoln's wit and humor, anecdote and unrivaled conversation, which formed the chief attraction. We read much of "merrie England," but I doubt if there was ever anything more "merrie" than Springfield in those days. As, to-day, I walk your streets, and visit the capitol, and your court rooms, as I enter the old home

of Lincoln, for the first time since 1860, memories of the past come thronging back; I see his tall form, his merry laugh breaks upon my ear; I seem to hear the voice of Douglas, of Baker, of Hardin, and of Logan!

Edward J. Phillips, one of the first to commence here the practice of law in the second decade, was a man of fine personal appearance, above the average in scholarship, and a fine business man. He continued the practice of his profession but a short time, and then secured a position in the state bank, and as an officer of that institution was exceedingly popular as he was also in social life.

Edward Jones commenced the practice of law in Springfield as a partner of George Forquer. Edward Jones was born at Georgetown, D. C., May 8, 1811. He commenced his education at a classical academy in his native town, and made good progress in his studies, but having a strong predilection for military life, he entered a select military school at the seat of the national government. After completing his academic studies, he commenced reading law in the office of John Marbury, and afterwards attended the Virginia Law School, at Winchester. He was admitted to practice at the bar in March, 1830, just two months before he was nineteen years of age. Being of an active and energetic temperament, he turned his face to the great west and, in the following May, settled in Illinois, fixing his residence at Springfield.

During the troubles of the frontier growing out of the Black Hawk war, he exhibited his natural fondness for military life by serving in the campaigns of 1831 and 1832. In the spring of 1834 Judge Lockwood tendered him the appointment of clerk of the circuit court of Tazewell county, and he removed to Pekin, the county-seat of that county. After holding the office about three years and a half he resigned and resumed the practice of law. This he continued to do honorably and successfully until the call for volunteers in the Mexican war in June, 1846, aroused his patriotic feelings. He at once raised a company, which became Company F, of Colonel Baker's regiment. He first served with his regiment under General Taylor and then under General Scott. He was engaged in the storming of Vera Cruz and the memorable battle of Cerro Gordo. The term of service of his regiment having expired, he was reluctantly compelled to return home.

For some years after his return from Mexico, and until his health failed him, he was a successful practitioner. Mr. Jones had the reputation, which he richly deserved, as one of the finest men in his profession. He had a purely legal mind, and this natural aptitude he had diligently improved by his professional studies. His fame as a special pleader was wide-spread. He was considered a Fabius in defense—being remarkably successful in delaying the contest till the most propitious moment.

Edward Jones was eminently social in his nature, and was surrounded by hosts of friends who prized his society to the last.

Edward Jones died December 20, 1857, and was buried in Pekin, Tazewell county. The estimation in which he was held by the bar in that place was embodied in a series of resolutions, one of which said: "We have found him a noble and powerful advocate, scorning to do anything unprofessional—eloquent,

profound in argument, unanswerable in reasoning, and ever successful in the fierce conflict of intellect with intellect."

Henry E. Dummer was a man of superior talents, a fine lawyer and scholar, and exceedingly refined in manner. He was a native of Maine, and had drifted west in 1832. In the spring of this year he was in Cincinnati, and noticing the advertisement of a boat going up the Sangamon river, determined to take passage to the new country. Arriving here in due time, he soon formed a partnership with John T. Stuart, this relation continuing but a short time. After dissolution of the co-partnership, Mr. Dummer went to Jacksonville, where he remained a short time, and then drifted on to Beardstown. In this latter city he married, settled down and became eminently successful in the practice of his profession. From Beardstown he returned to Jacksonville and became a member of the firm of Dummer, Brown & Kirby. He died about 1877.

Judge Stephen Trigg Logan was born in Franklin county, Kentucky, on the 24th of February, 1800. His paternal ancestry were of Scotch-Irish extraction; on the maternal side he was of English descent. His great-grandfather emigrated from Ireland and settled in Augusta county, Virginia, about the year 1750. His father, David Logan, died in Kentucky in the prime of his manhood about 1821. His mother was the daughter of Colonel Stephen Trigg, a native of the Old Dominion, who moved to Kentucky in 1779 and lost his life in the disastrous battle with the Indians at the Blue Licks, in August, 1782. His grandfather, Colonel John Logan, was one of the early pioneers of Kentucky and was a representative in the Virginia legislature from one of the counties of Kentucky before the admission of Kentucky into the Union as a state. Subsequently he was a member of the convention which formed the Kentucky constitution of 1799, and he held for several years the office of treasurer of that commonwealth.

General Ben Logan, his brother, was the first of the family to remove from Virginia to Kentucky and figured conspicuously with Boone and other famous pioneers in the Indian wars of the period. Stephen received his early education in Frankfort, the capital of the commonwealth, and was employed as a clerk in the office of the secretary of state, under Martin D. Hardin, son-in-law of General Ben Logan and father of Colonel John J. Hardin, of Illinois. While in the discharge of his duties here, when only thirteen years of age, he made out the commissions for the officers of General Shelby's command, in their expedition to our northern frontier during the war of 1812. As a boy young Logan was remarkable for his quickness, sound understanding and aptitude for both study and business. In 1817 he went to Glasgow, Barren county, and studied law under his uncle, Judge Tompkins. He was admitted to the bar at Glasgow before attaining his majority, but did not at once engage in practice. He supported himself in the meantime by teaching school and serving as a deputy in the circuit clerk's office of Barren county. In this position he made himself familiar with the various forms of legal procedure, and acquired much of that skill and facility in the drafting of legal documents for which he was noted throughout his professional life. Shortly after entering on the practice of law he was appointed



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commonwealth attorney for the Glasgow circuit. His accurate knowledge of the principles of law, his command over complicated facts, his analytical power in dealing with evidence and, above all, his incisive and animated style as a speaker won for him in a few years an established reputation and a lucrative clientage. On the 25th of June, 1823, he married Miss America T. Bush, eldest daughter of William T. Bush, Esq., of Glasgow. They had eight children,—four sons and four daughters,—of whom only the two youngest, Mrs. Ward H. Lamon and Mrs. L. H. Coleman, survived their father. Mrs. Logan was a lady of refined manners, of unaffected piety and unpretentious benevolence. She died in 1868, in her sixty-second year. In the spring of 1832 Mr. Logan removed with his family to Illinois. The journey was made with carriage and wagons, and was long and tedious. They arrived at Springfield about the middle of May, and settled on a farm near the Sangamon river, about six miles northwest of the city. For a time he contemplated devoting himself entirely to agricultural pursuits, but at the instance of William L. May, with whom he formed a partnership, he returned to Springfield in the spring of 1833 and resumed his practice. Mr. May represented the Springfield district, then embracing the entire northern half of the state, in congress from 1834 to 1838. Judge Logan speedily acquired a leading position, not only at the Sangamon bar, but in the state at large, his reputation continuing to increase until his final relinquishment of his profession. In January, 1835, he was elected by the legislature as judge of the first judicial circuit of Illinois, embracing Sangamon county. He held this office until the March term, 1837, when he resigned, on account of the inadequacy of the salary; and in 1839, being again chosen circuit judge, he declined to serve.

On retiring from the bench, in 1837, he formed a partnership with Colonel E. D. Baker. He was afterward associated from 1841 to 1844 with Abraham Lincoln, and at a later period with his son-in-law, Hon. Milton Hay. Short as was the time he remained on the bench, he attracted at that time the attention and admiration of many of his most eminent cotemporaries,—among them such men as the late Judge David Davis, Judge Caton and Judge Drummond. Speaking of him in the United States court after his death, Senator Davis recalled some interesting memoirs of this period of Judge Logan's career:

The first time I saw him was in Springfield, in the autumn of 1835, when he was holding a term of the Sangamon circuit court. I had just come to the state, and was naturally desirous of observing the proceedings in the courts. Having pursued my legal studies in Massachusetts and Connecticut, I was impressed with the idea that justice was administered in those states by magistrates who were superior to any I should meet in Illinois, and was, therefore, not prepared at the outset to have this opinion changed. I was a diligent observer of the manner in which the business of the court was conducted, and recollect that Judge Logan disposed of some intricate points of evidence with a clearness of statement and power of reasoning that not only carried conviction to my mind, but satisfied me of the largeness of his capacity and of his ability to discharge the duties of any judicial tribunal in the country. The admiration which I conceived for him then, instead of being diminished by the lapse of time, as often happens, was increased as I knew him better and observed the development of his marvelous powers.

Speaking of him as an advocate, Senator Davis said:

In all the elements that constitute a great nisi-prius lawyer, I have never known his equal. I loved to hear him try an important jury cause, and have quite often been surprised by the remarkable powers displayed by him when he was hard pressed for victory. I will mention one instance. In the winter of 1844-5 one Chapman was indicted for perjury under the bankrupt law of 1841. The case excited a great deal of interest, for the reason that the party charged with the crime had previously borne a good character, and because many persons believed a beneficent law had been repealed on account of perjuries and frauds committed under it. Justin Butterfield was the prosecutor, and Logan and Lincoln defended. Butterfield exerted all his intellectual power to procure a conviction. As usual when Logan was engaged in a case, no matter who was associated with him, the chief management of it was conceded to him. He never appeared to better advantage than in this defense. The trial lasted several days, and the lawyers from abroad, as well as those living here, were attracted to the court-room. The legislature was in session, and though a member of it I was so fascinated by the intellectual struggle that I heard the trial through, to the neglect of my official duties. Chapman was convicted, but I thought at the time the result would have been different had not the judge charged so strongly against the prisoner.

"When I first met him," said the Hon. Thomas Drummond on the same occasion, "forty-five years ago he was a judge in the circuit court of this state. He had exchanged with Judge Ford, and went into the latter's circuit, in the northern part of the state, in the summer and fall of 1835. He was the first judge before whom I appeared, and his was the first court in which I tried a case in the state of Illinois. I was engaged in several cases during the term and was an attentive observer of the manner in which he administered the law during the whole sitting of the court. The qualities, in my opinion, most conspicuous in him were great clearness of statement, a preternatural quickness of apprehension, extraordinary fertility of resources and a glowing, ardent nature, which almost compelled the tribunal he addressed to share in his own conviction. To these were added in exceptional fullness the power of nice discrimination and cogent analysis, a true sense of the justice of the cause and the capacity to reject all extraneous matter and confine himself to the essential points in the controversy. He was, besides, a broad, comprehensive reasoner, never diffuse. These qualities fitted him peculiarly for the trial of nisi-prius cases, in which he was considered unrivaled. I do not think that in general he made great preparation for his cases, or studied them very elaborately. He often trusted with confidence to his resources at the time of trial, and these rarely failed him. Above all, though faithful in the utmost to the cause of his client, he was an honest lawyer and true to the court to which he left, after urging every argument which a fertile imagination and a full knowledge could suggest, the decision of the cause, relying upon its real merits for success. The impression he made upon me, as a young lawyer having his first experience in the state of his profession, has never been effaced."

His relations with Mr. Lincoln in these days have been graphically described by Hon. Orville H. Browning, of Quincy, who said: "Younger men who afterward attained great distinction at the bar, and have done honor to the state, had their training in his office and under his instruction. Among others

who had the benefit of his association, example and instruction, was the lamented Lincoln, who afterwards became so illustrious in the history of our country and before the world, and whose memory is enshrined in all our hearts. As his law partner Mr. Lincoln was long and intimately associated with Judge Logan, and no doubt during that period received much of the preparation which fitted him for the brilliant and useful career which awaited him, and which enabled him to achieve immortal renown as a patriot and statesman. Mr. Lincoln at one time exerted all his influence, which was not then so great as it afterward became, to have his friend and former partner placed upon the bench of a federal court. For such a station he was most eminently qualified, and had he held the position he could not have failed to add to the exalted reputation of the American judiciary. I know that Mr. Lincoln then regarded Judge Logan as the most thorough and accomplished lawyer he had ever known, and through his whole life he cherished for him an affection, admiration and respect which approached to reverence and adoration."

Judge Caton also tells an anecdote which is interesting as showing one quality which Judge Logan eminently possessed: "He had to be convinced of the justice of his cause," says Judge Caton, "at least he had to be persuaded that he was not advocating injustice, before he raised his voice in support of a cause; but that cause, when once espoused, he pursued with relentless energy. I recollect once when he was engaged with his partner, Mr. Lincoln, at the time when they were partners, in the argument of a cause before this court (the Illinois supreme court). I happened to meet him, and inquired, while Mr. Lincoln was making his address, if he proposed to argue the case. 'I don't think I shall trouble you,' he said; 'I don't see it as clear as Mr. Lincoln does; I prefer to leave it with him.' I confess I appreciated the compliment that he thought an intimation from me that he did not believe his associate was right would not affect my judgment; I say I appreciated it as a very high compliment. But it happened that the cause was decided as Mr. Lincoln had argued it."

Sometimes it happened that Mr. Lincoln and Judge Logan were retained on opposite sides. When this was the case the struggle was certain to be a sharp one, and it never failed to interest the whole community, though it never disturbed the harmonious personal relations which continued to exist between these two distinguished men throughout their lives. In 1842 Judge Logan was elected a representative in the legislature from the county of Sangamon, and was re-elected in 1844 and 1846, serving throughout with great ability and credit. In 1847 he was chosen a delegate to the convention which formed the state constitution of Illinois and took a leading and influential part in the deliberations of that body. His efforts, both in the legislature and in the convention, were especially directed to securing economy in the public expenditures and making adequate provision for the payment of the state's indebtedness, in each of which he was measurably successful. One incident of his career as a legislator will be remembered to his lasting honor. It cannot be better told than in the words of

the Hon. Mason Brayman, in his address to the Sangamon county circuit court on the announcement of Judge Logan's death :

One occasion I recollect well, when as a member of the house of representatives here, he rose to the dignity of statesmanship, and at a most critical moment saved Illinois from the danger of repudiation, and aided in laying the foundation on which was built a restored credit and after which in natural sequence came an era of financial greatness and prosperity scarcely matched in the history of states. It was when the bill for refunding our old state debt was brought into the house. Our internal improvement system had been a disastrous and disgraceful failure. We owed fourteen millions, mostly in bonds not worth fourteen cents to the dollar. The interest was unpaid. The shadow of repudiation had fallen on the public mind and infected members of the general assembly. At the bottom the people of Illinois were honest. While confessing that they could not pay, they stoutly resolved that they would pay—some time. A night session was held for the final struggle upon the momentous measure. Judge Logan held himself in reserve until this hour. All were eager to know his position, for it was felt that the fate of the bill was in his hands. The old hall was packed to the utmost. He took the floor—the venerable and honored Ninian W. Edwards being in the chair—and, in one of the most brilliant efforts of his life, supported the bill. I recall one of his thrilling sentiments: "I know my constituents of Sangamon county and they know me. I know that they did not send me here to make repudiators of them, and they know that no constituency can make a repudiator of me!" The bill was safe. When he closed it was passed under the previous question. From that hour Illinois went forward. Her three or four hundred thousand, then, go beyond three millions now (1881). Her overshadowing debt has disappeared. To him whose memory you have commemorated, and to those who stood with him in those trying hours, Illinois is indebted for a credit restored and an honor untarnished.

In 1848 he was Whig candidate for congress in the Springfield district. Lincoln, Baker and Logan then constituted a triumvirate and were the three political leaders in the congressional district. Each was ambitious to serve his country at Washington, and it was understood that they would be candidates in rotation. Baker had been elected, and was occupying the seat when the war with Mexico commenced. Lincoln succeeded him. Logan in time became a candidate, but his party was then under a cloud in consequence of its opposition to the war, while the Democratic candidate, Major Thomas L. Harris, had just returned with military laurels won on the fields of Mexico. The dashing soldier of course carried the day, and Judge Logan was signally defeated. He now withdrew from all active participation in politics and for a number of years applied himself sedulously to the practice of his profession. He had at this time a large, diversified and lucrative business both in the state and federal courts. In 1854 he was elected, for the fourth time, to the state legislature. During this session he served as chairman of the judiciary and other committees, and was the author of several useful measures of legislation. In 1855 he was nominated without his consent as a candidate for judge of the supreme court for the second grand division of Illinois, in opposition to Judge Onias C. Skinner, of Quincy. In May, 1860, he was a delegate from the state at large to the Republican national convention at Chicago, and with David Davis, Leonard Swett, Norman B. Judd and other friends of Mr. Lincoln, secured his nomination to the

presidency. The election of Mr. Lincoln brought to a crisis the differences which had so long agitated the people of the north and south and threatened a disruption of the Union. At the instance of the legislature of Virginia a national peace conference assembled in the city of Washington on the 4th of February, 1861, to devise certain amendments to the federal constitution, which, it was hoped, if adopted by congress and the several states, would restore peace to the country, preserve the Union and avert the calamities of the impending civil war. Thirteen free and several border states sent delegates to this congress. The five commissioners appointed by Governor Yates to represent the state of Illinois were Judge Logan, General John M. Palmer, Thomas J. Turner, John Wood and Burton C. Cook. The peace congress included among its members many of the most eminent jurists and statesmen of the United States. Judge Logan took with him into that body the same noble characteristic which marked him in the law office,—that of peacemaker. As he had striven in the legislature to save his state from public dishonor, so he now sought to save his country from threatened dismemberment. He took an active part in the deliberations of this historic assembly favoring an honorable compromise between the northern and southern sections of the Union. "As the friend of President Lincoln," said the Hon. W. S. Groesbeck, of Ohio, a member of the conference, "Judge Logan was often heard and always with profound interest. I recall one of his speeches made toward the close of our conference, when we were feeling very much discouraged. It was a grand, patriotic appeal. It touched every heart; it moistened nearly every eye. I have not met Judge Logan since that day, but if I were to live a hundred years I would not forget him." It was probably this speech to which reference was made by Hon. John T. Stuart in his remarks at the memorial meeting of the Sangamon county bar, and from which the following extract was given by Hon. James C. Conkling in a lecture on the "Early Bench and Bar," delivered on the 12th of January, 1881, before the Bar Association of Chicago:

Instead of dreaming of news from the seat of war and of marching armies, I have thought of a country through which armies have marched, leaving in their track the desolation of a desert. I have thought of harvests trampled down; of towns and villages, once the seat of happiness and prosperity, reduced to heaps of smoking ruins, and battle-fields red with blood which has been shed by those who ought to have been brothers; of families broken up or reduced to poverty; of widowed wives, of orphaned children, and the other misfortunes which are inseparably connected with war. This is the picture which presents itself to my mind every day and every hour. It is a picture which we are doomed soon to witness in our country unless we place a restraint upon our passions, forget our selfish interests, and do something to save our country.

Sectional animosity and party feeling were too strong for the friends of peace. Judge Logan's stirring appeals, which electrified the conference, had no effect upon the fomenters of strife outside. He succeeded in the object for which he went into the conference. That body adopted and reported to congress a number of resolutions embodying various concessions to southern demands; but congress threw all these aside and passed as a substitute an amendment to

the constitution proposed by Senator Douglas, which forbade congress ever to interfere with slavery. Before the necessary number of states could vote on the adoption of this amendment the civil war had begun. Speaking before the Illinois supreme court, in memory of Judge Logan, the Hon. Orville H. Browning, of Quincy, referred to this speech of Judge Logan at the peace conference, and said: "I was not present and had not the pleasure and benefit of hearing Judge Logan on that occasion; but after the lapse of many years and after the southern states had been devastated by a war which that congress strove in vain to avert, in conversation with learned and able men who were present as members of the congress, I have been assured that the speech he then delivered was remarkable for its wisdom, its patriotism, its conciliatory tone and temper, its forecast of the future, and its eloquence and power; and that had the counsels of our deceased brother been followed all conflicting opinions and interests would have been reconciled, and the country have escaped the calamities which ensued."

His service in the peace conference was the last of his public and official employments. He had not only retired from political life, but gradually withdrew from the practice of his profession. His last public appearance was in 1872, when he was unanimously chosen to preside over the Republican state convention of that year. The evening of his days was passed in dignified retirement, surrounded by his family, and in the enjoyment of the ample estate which he had accumulated by his industry, economy and foresight. He died, after a brief illness, at his residence in Springfield, on the 17th of July, 1880. His funeral was attended by distinguished judges and members of the bar from all parts of the state; the members of the Sangamon county bar and of the city council attended in a body. His remains were interred in Oak Ridge cemetery. Special tributes of respect were paid to his memory by the Sangamon county bar, whose memorial resolutions were presented to the United States court, the Sangamon county circuit court, and the supreme court of the state; and also by the city council of Springfield. The bar expressed their regret for the loss, "not only of a distinguished lawyer, but an illustrious citizen of the state, who by his energy and ability contributed much to its material prosperity, and by his wisdom as a legislator and inflexible integrity as a judge was instrumental in giving to person and property the protection of wise laws, wisely and honestly administered."

Judge Logan's life began with the century, when Napoleon was first consul in France and John Adams was president of the United States. In his four score years he lived to see the nation grow from six millions to fifty millions of people; to see slavery abolished and the republic, tried by the greatest civil war that history records, emerge from it stronger and more firmly rooted in the hearts of the people than ever before.

Hon. David Prickett, prominently identified with the early history of Illinois and Sangamon county, was born in Franklin county, Georgia, September 21, 1800. In early childhood he went with his parents to Kentucky, and a few years later to Edwardsville, Illinois, then a prominent town of this state. He graduated from the law department of Transylvania University, in Lexington, Kentucky, and was admitted to practice at Edwardsville, Illinois, November 15, 1821. Mr.

Prickett served as the first supreme-court reporter of Illinois, was for a time judge of probate court of Madison county; was elected a member of the state legislature in 1826, when the capital was at Vandalia. He served as aide-de-camp to General John D. Whiteside in the Black Hawk war in 1831; was elected state's attorney in 1837 for the first judicial circuit of Illinois, composed of Pike, Calhoun, Greene, Morgan, Sangamon, Tazewell, McLean, Macon and Macoupin counties. He served as treasurer of the board of canal commissioners during the construction of the Michigan and LaSalle canal, in 1840; in 1842 was appointed director, in behalf of the state, of the State Bank of Illinois; was clerk of the house of representatives ten sessions; and was serving as assistant clerk of the house of representatives at the time of his death, March 1, 1847. He dealt considerably in real estate, and was joint proprietor in laying out additions to several cities in Illinois. Mr. Prickett married Charlotte, daughter of Thomas and Christiana Griffith, of Tazewell county, on January 24, 1834. She was born March 9, 1806. Their marital union resulted in five children.

William L. May was a Kentuckian by birth, removing from that state to Edwardsville, Illinois, thence to Jacksonville, and from there to Springfield, in 1829, having received the appointment of receiver of the land office in the latter place. Here in 1833 he formed a partnership with Stephen T. Logan. Mr. May was much more of a politician than a lawyer, and was a man of good address and a capital stump-speaker. In 1834 he was elected to congress, and again in 1836. In 1838 he failed of receiving the nomination, which went to Stephen A. Douglas. In the course of time Mr. May removed to Peoria, and thence to California, where he died.

Dan. Stone became a member of the bar of Sangamon county in 1833. He was a native of Vermont and a graduate of Middlebury College, in his native state. He afterwards went to Cincinnati, studied law with his uncle, Ethan Stone, and practiced in that city for several years, and during that time was a member of the legislature, and also a member of the city council. On his removal to Springfield he at once took rank with the best lawyers. He was elected a member of the legislature in 1836, and was one of the famous "long-nine" members of that body from this county. While a member of the legislature he received the appointment of judge of the circuit court, and was assigned to duty in the northern part of the state and moved to Galena. In 1838 he rendered a decision with reference to the vote of an alien, which so displeased the party in power that the courts were reorganized by the legislature, and Judge Stone was legislated out of office. He soon after left the state, and a few years later died in Essex county, New Jersey.

Josephus Hewitt came to Springfield about 1830, at which time he was a Christian preacher, an eloquent "defender of the faith once delivered to the Saints." He read law with Judge Logan, and was admitted to the bar about 1834. In 1835 he formed a partnership with Cyrus Walker, of Macomb. Mr. Hewitt remaining in Springfield and Mr. Walker in Macomb, but practicing together in the various courts of the state. Mr. Hewitt became one of the most noted lawyers of that day, and is spoken of by the older members of the pro-

fession as a man of strong mind and very eloquent in his pleadings. He removed from Springfield to Mississippi, where he died.

David B. Campbell came to Springfield in 1838, from New Jersey, his native state. He was a fair lawyer and a good prosecutor, serving as prosecuting attorney from 1848 to 1856, dying in office in the latter year. He was a fair-minded man, and while prosecuting attorney would never prosecute one charged with crime unless thoroughly convinced of his guilt.

Antrim Campbell, a brother of David, was born in New Jersey in 1814. He came to Springfield in 1838, and entered upon the practice of his profession. In 1849 he was appointed master in chancery for the circuit court of Sangamon county, and resigned the same in 1861, when he received the appointment of master in chancery for the United States circuit court for the southern district of Illinois. While never taking high rank as an attorney, he was recognized as a good master in chancery and an excellent business man. He died August 11, 1868.

Albert T. Bledsoe was a worthy member of the Sangamon county bar during the last year of its second decade and extending nearly through the third. He came to Springfield from Greene county in 1840. While a young man he graduated at West Point, and shortly after resigned his position in the army, studied for the ministry, and was ordained a minister in the Episcopal church. Becoming dissatisfied, he resigned his charge, studied law and was admitted to the bar before coming to Springfield. On his arrival here he formed a partnership with Jesse B. Thomas, which continued about a year, when he became a partner of E. D. Baker. Major Stuart says that for real logic he was the strongest man at this bar at that time. But contentment was not with him a cardinal virtue. He could remain in one position but a short time. He was an author of several scientific works, which were well received by the learned. Mr. Bledsoe about 1850 drifted south, was president of a college in Mississippi for a time, and at the breaking out of the war was professor of mathematics in a college at Charlottesville, Virginia. Espousing the southern side, he was made assistant secretary of war, but becoming convinced that the southern confederacy was about to collapse, shortly before the close of the war, it is said that he applied to his old friend Abraham Lincoln, president of the United States, for a pass through the lines, receiving which he came within the Union lines and soon embarked for Europe, where he remained until the close of the war. Returning, he visited his old friends in Springfield, then again went south, and has since died.

Charles R. Welles was from Connecticut, was well educated, but did little business in law. Soon after coming to Springfield he engaged in the real-estate business, in which he accumulated a large fortune. He died many years ago.

Schuyler Strong was from New York, and well advanced in years before coming to Springfield. In his native state he was regarded as no ordinary lawyer, and was recognized as the peer of any when he arrived here. If it had not been for one grievous fault, so common, success would have crowned his every effort. He died about 1845.

Ninian W. Edwards, the son of Ninian Edwards, the first and only terri-

torial governor of Illinois, was born April 15, 1809, near Frankfort, Kentucky. His father at that time was chief justice of the court of appeals of Kentucky, but, receiving the appointment of governor of the territory of Illinois, he removed with his family in June following, to Kaskaskia, its capital. When of the proper age, Ninian W. was sent to Transylvania University, and graduated in the law department of that institution in 1833. In 1832 he was married to Miss Elizabeth P. Todd, in Lexington, Kentucky. Returning home after his graduation, he commenced the practice of law. In 1834, he was appointed by Governor Reynolds, attorney general of the state, and was shortly afterwards elected by the legislature. The law requiring the attorney general to reside at the capital, and Mr. Edwards not liking a residence in Vandalia, he resigned the office in February, 1835, and shortly afterward removed to Springfield. In 1836 Mr. Edwards was elected one of the representatives in the legislature. From 1836 to 1852 Mr. Edwards served in the legislature, either in the senate or house of representatives, being a very efficient member. He was also a member of the constitutional convention which formed the constitution of 1848. In 1852 he was appointed attorney before the board of commissioners to investigate the claims of canal contractors against the state, amounting to over one million five hundred thousand dollars. In 1854 he received the appointment of state superintendent of public instruction and was the first incumbent of that office. He was retained in this office by the legislature until 1857. Mr. Edwards was always a champion of free schools, and drafted the law in regard to them which was first adopted in the state. In 1862, he was appointed by President Lincoln United States commissary. Mr. Edwards found time to prepare a history of the state of Illinois, including the "Life and Times of Governor Edwards," written on the invitation of the Illinois State Historical Society. It is a valuable work, and is regarded as a standard on the subject on which it treats. As a lawyer, Mr. Edwards ranked high while an active member of the bar.

Cyrus Walker was a Kentuckian by birth; studied law and was admitted to the bar in his native state, where he became very prominent, especially as a criminal lawyer. On account of his defense of a murderer, who was acquitted, and whom the people generally thought should have been hung, Kentucky became uncomfortably warm for him, so that he came to Illinois and settled in Macomb, in 1833. He was a man of strong mind, an excellent lawyer, and withal very conscientious. In 1835 he was a partner of Josephus Hewitt, and in 1839 with James C. Conkling. His business was very extensive for many years in the various courts of Illinois. He died near Macomb, in 1876.

In 1837 Abraham Lincoln was admitted to the bar. While living in Salem he had borrowed books from the law library of John T. Stuart, which he read and returned as the opportunity occurred. When convinced that he could stand an examination, he presented himself for that purpose, and was duly licensed to practice his profession. He immediately formed a partnership with Mr. Stuart, which relation continued about two years. During this same year, Stephen A. Douglas became a citizen of Springfield, having received the appointment of register in the land office. He soon afterward formed a partnership

with John D. Urquhart for the practice of law, and here commenced the rivalry of these two great men—Abraham Lincoln and Stephen A. Douglas—men whom the world delights to honor. In the address already quoted, by Isaac N. Arnold, he says:

When, forty years ago, the bar used to meet here at the capitol, in the supreme and United States courts, and ride the circuit in our different sections of the state, Lincoln and Douglas did not occupy a position of such overshadowing importance as they do to-day. They did not beat us in our cases when law and justice were with us, and we did not realize that they were so greatly our superiors. But these two men have passed into history, and justly, as our great representative men. These are the two most prominent figures, not only in the history of Illinois, but of the Mississippi valley, and their prominence, certainly that of Mr. Lincoln, will be increased as time passes on. I will, therefore, endeavor to give such rough and imperfect outlines of them as lawyers, and advocates, and public speakers, as I can. We, who knew them personally, who tried causes with them and against them, ought, I think, to aid those who shall come after us, to understand them, and to determine what manner of men they were. In the first place, no two men could be found more unlike, physically and intellectually, in manners and in appearance, than they.

Lincoln was a very tall, spare man, six feet four inches in height, and would be instantly recognized as belonging to that type of tall, large-boned men produced in the northern part of the Mississippi valley, and exhibiting its peculiar characteristics in the most marked degree in Tennessee, Kentucky and Illinois. In any court-room in the United States he would have been instantly picked out as a western man. His stature, figure, dress, manner, voice and accent indicated that he was of the northwest. In manner he was always cordial and frank, and although not without dignity, he made every person feel quite at his ease. I think the first impression a stranger would get of him, whether in conversation or by hearing him speak, was, that this is a kind, frank, sincere, genuine man, of transparent truthfulness and integrity; and before Lincoln had uttered many words, he would be impressed with his clear good sense, his remarkably simple, homely, but expressive Saxon language, and next his wonderful wit and humor. Lincoln was more familiar with the Bible than with any other book in the language, and this was apparent, both from his style and illustrations, so often taken from that book. He verified the maxim, that it is better to know thoroughly a few good books than to read many.

Douglas was little more than five feet high, with a strong, broad chest, and strongly marked features; his manners, also, were cordial, frank and hearty. The poorest and humblest found him friendly. He was, in his earlier years, hale fellow well met with the rudest and poorest man in the court room. Those of you who practiced law with him, or tried causes before him when on the bench, will remember that it was not unusual to see him come off the bench, or leave his chair at the bar, and take a seat on the knee of a friend, and with one arm thrown familiarly around his friend's neck, have a friendly talk, or a legal or political consultation. Such familiarity would have shocked our English cousins, and disgusted our Boston brothers, and it has, I think, disappeared.

Lincoln and Douglas were, as we know, both self-educated, and each the builder of his own fortune. Each became, very early, the recognized leader of the political party to which he belonged. Douglas was bold, unflinching, impetuous, denunciatory and determined. He possessed, in an eminent degree, the qualities which create personal popularity, and he was the idol of his friends. Both Lincoln and Douglas were strong jury lawyers. Lincoln, on the whole, was the strongest jury lawyer we ever had in Illinois. Both were distinguished for their ability in seizing and bringing out, distinctly and clearly, the real points in a case. Both were very happy in the examination of witnesses; I think Lincoln the stronger of the two in cross-examination. He could compel a witness to tell

the truth when he meant to lie. He could make a jury laugh, and, generally, weep, at his pleasure. Lincoln on the right side, and especially when injustice or fraud were to be exposed, was the strongest advocate. On the wrong side, or on the defense, where the accused was really guilty, the client with Douglas for his advocate would be more fortunate than with Lincoln. Lincoln studied his cases thoroughly and exhaustively. Douglas had a wonderful faculty of extracting from his associates, from experts and others, by conversation, all they knew of a subject he was to discuss, and then making it so thoroughly his that all seemed to have originated with himself. He so perfectly assimilated the ideas and knowledge of others that all seemed to be his own, and all that went into his mind came out improved.

Mr. Lincoln remained in active practice at the bar until his nomination for the presidency in 1860. His reputation as a lawyer and advocate was rising higher and higher. He had a large practice on the circuit all over the central part of this state, and he was employed in most of the important cases in the federal and supreme courts. He went on special retainers all over Illinois, and occasionally to St. Louis, Cincinnati, and Indiana. His law arguments addressed to the judges were always clear, vigorous and logical, seeking to convince rather by the application of principle than by the citation of authorities and cases. On the whole, I always thought him relatively stronger before a jury than with the court. He was a quick and accurate reader of character, and understood, almost intuitively, the jury, witnesses, parties, and judges, and how best to address, convince and influence them. He had a power of conciliating and impressing everyone in his favor. His manner was so candid, so direct, the spectator was impressed that he was seeking only truth and justice. He excelled all I ever heard in the statement of his case. However complicated, he would disentangle it, and present the turning point in a way so simple and clear that all could understand. He had in the highest possible degree the art of persuasion and the power of conviction. His illustrations were often quaint and homely, but always clear and apt, and generally conclusive. He never misstated evidence, but stated clearly, and met fairly and squarely his opponent's case. His wit and humor and inexhaustible stores of anecdote, always to the point, added immensely to his power as a jury advocate.

Jesse B. Thomas, Jr., was a nephew of the eminent statesman of that name, a former United States senator, and well known in the early day. He was an attorney of more than ordinary ability, and succeeded Ninian W. Edwards as attorney general of the state in 1835. In 1837 he was appointed circuit judge, but resigned after the expiration of two years. He was at one time a partner of David Prickett, in Springfield, and afterwards of William L. May. He finally went to Chicago and died there.

E. D. Baker came to Springfield in 1835, from Greene county, Illinois. He was born in London, England, February 24, 1811, and emigrated with his parents to America shortly after the close of our late war with England, and after remaining for a time in Philadelphia he came west and settled in Indiana, and thence came to Illinois. He early manifested a strong passion for books. Possessing a rare aptitude for acquiring information, a ready and highly retentive memory, his mind soon became stored with the rich treasures of literary lore,

from which, in after years, he drew copiously as from a perennial fount. At Carrollton, Greene county, Mr. Baker studied law in the office of A. W. Cavarly, serving at the same time as deputy in the office of the county clerk. As soon as he gained a superficial knowledge of the science of law, spurred on by necessity, he procured a license and commenced practice. Owing, however, to his youth, limited legal attainments and the absence of influential friends, during the first years of his professional life, he met with indifferent success.

While in Carrollton, Mr. Baker was married to Mrs. Mary A. Lee. Soon after marriage he united with the Christian church, and being naturally of an impulsive and enthusiastic temperament, he was very zealous in the discharge of his religious duties, became an able exhorter, and began to entertain serious thoughts of engaging in regular ministerial work. As time passed, his mind becoming occupied with politics, he finally ceased his connection with the religious body. While an active member of the church, he first discovered that boldness of thought, that opulence of expression, that graceful and persuasive manner of speaking, for which he became so justly celebrated in after life.

Shortly after coming to Springfield, Mr. Baker associated himself in the practice of law with Josephus Hewitt. Subsequently, he entered into partnership with Stephen T. Logan, and for a short time with Albert T. Bledsoe. It was here that Baker first applied himself seriously to the duties of his profession, and here he won his first laurels as an advocate. Surrounded by the great men already mentioned as comprising the Sangamon county bar during this decade, Baker was compelled to struggle for that eminence in his profession which he rapidly attained. Although disinclined to close, continuous study, and often negligent in the preparation of his cases, he had so sufficiently mastered the principles and intricacies of the law as to meet the ordinary requirements of practice, and his native genius supplied any deficiency. His confident, self-possessed air amidst the bustle of a court of law, his quickness of perception, ready wit, fertility in resources and ardent eloquence, enabled him to achieve the victory in spite of the most determined opposition from older or more experienced antagonists. In jury cases he was especially successful, for in these he was less fettered by the legal forms and technicalities which ordinarily curb the reins of youthful imagination. Indeed, a jury to him was but a miniature popular assembly, before which he could pour out his argument and invective at will, or indulge in those exquisite touches of pathos, which failed not to awaken the sympathy and move the hearts of his auditors. Enterprising and ambitious, Mr. Baker early directed his attention to politics as opening the shortest road to preferment. In 1837 he was elected to the general assembly from Sangamon county to fill the vacancy occasioned by the resignation of Dan Stone. In the following year he was re-elected. In the campaign of 1840 he took an active part in the support of General Harrison. In 1844 he was elected to congress, and was a member of that body when the war with Mexico broke out. Returning home from Washington, he raised a regiment and was commissioned colonel. In this war he earned a reputation as a brave and gallant commander.

On his return from Mexico he removed to Galena and was there re-elected

to congress. He took his seat the second time in December, 1849. He bore an active if not a conspicuous part in the debate upon those grave national issues, which formed so prominent a feature in the first session of the thirty-first congress. He favored some, but not all the compromise measures passed at that session.

In 1852 Colonel Baker emigrated with his family to California. Establishing himself in San Francisco, he once more commenced the practice of law. His fame as an advocate and orator had preceded him, so that he soon found himself in the midst of an extensive business. Here it was that he achieved his highest reputation as a lawyer, and perhaps his most brilliant renown as an orator.

While living in California he early identified himself with the Free Soil movement. When Senator Broderick, the chief of the Douglas Democracy in that state, was killed in a duel with Judge Terry, it was Colonel Baker that was called upon to deliver the funeral oration, and right royally did he perform that sad duty. The oration has seldom, if ever, been surpassed.

Shortly after the unhappy death of Broderick, Colonel Baker removed to Oregon. Here he was soon after elected to the United States senate. Returning to San Francisco, on his way to the east, he was the recipient of a public ovation. In his speech upon the occasion, he said: "As for me, I dare not, will not, be false to freedom. Where the feet of my youth were planted, there by freedom my feet shall ever stand. I will walk beneath her banner. I will glory in her strength. I have seen her in history struck down on a hundred fields of battle. I have seen her friends fly from her, her foes gather around her. I have seen her bound to a stake. I have seen them give her ashes to the winds. But when they turned to exult, I have seen her again meet them face to face, resplendent in complete steel, brandishing in her strong right hand a flaming sword, red with insufferable light. I take courage. The people gather round her. The genius of America will yet lead her sons to freedom."

On taking his seat in the senate, Colonel Baker entered industriously upon the discharge of the duties of his station, and ranked from the outset among the foremost orators and debaters in that dignified body. His address on the 2d and 3d days of January, 1861, in reply to Judah P. Benjamin, of Louisiana, was one of the most eloquent delivered during that stormy period.

On the 20th day of April, a few days after the fall of Fort Sumter, Colonel Baker spoke in New York city to one of the largest assemblages ever enchaind by the eloquence of a single man. In closing his address, he dedicated himself anew to the service of his country in these grandly eloquent words, which were greeted with tremendous applause: "And if, from the far Pacific, a voice feebler than the feeblest murmur on its shores, may be heard to give you courage and hope in this contest, that voice is yours to-day. And if a man whose hair is gray, who is well nigh worn out in the battle and toil of life, may pledge himself on such an occasion, and to such an audience, let me say, as my last word, that as when amid sheeted fire and flame, I saw and led the hosts of New York, as they charged in contest upon a foreign soil for the honor of your flag, so, again, if Providence shall will it, this feeble hand shall draw a sword never

yet dishonored—not to fight for distant honor in a foreign land—but to fight for country, for government, for constitution, for law, for right, for freedom, for humanity; and in the hope that the banner of our country may advance, and wheresoever that banner waves, there may glory pursue and freedom be established.”

Colonel Baker at once raised a regiment, known as the California regiment, and entered the service. At Ball's Bluff, on the 20th day of October, 1861, he fell in battle, pierced by eight leaden messengers freighted with death, from the guns of the advancing foe. Thus heroically the grand and gifted Baker fell.

John D. Urquhart was from Virginia, and came to Springfield about 1832. He was well read in the law and in the general literature of the day. He was a gentleman of the old school, with too much refinement to adapt himself to western methods, and therefore achieved no success as a lawyer at the bar of Sangamon county.

John C. Doremus was from New Jersey, and first practiced in the courts of this county in 1838. In 1840 he formed a partnership with Schuyler Strong, which continued but a few months. He never attained any distinction as a lawyer, and early in 1840 went south, studied theology, and became minister in the Presbyterian church and received the degree of D. D. He died a number of years ago.

The third decade shows in addition to the greater number of those of the second, the names of Silas W. Robbins, Charles R. Welles, Benjamin West, James Shields, William A. Minshall, Justin Butterfield, Justin Butterfield, Jr., Levi Davis, A. K. Smede, James H. Matheny, David Logan, E. B. Herndon, A. Parker, William I. Ferguson, William Walker, William H. Herndon, Vincent Ridgely, U. F. Linder, Josiah Lamborn, Archibald Williams, O. H. Browning, Israel Crosby, Lyman Trumbull.

What bar in all the Union can show a greater array of distinguished names than the foregoing, in addition to the best of the second decade who still continued to practice before the courts of the county. For great learning, for oratorical ability, and for unsurpassed statesmanship, the bar during this decade has never been surpassed. From its ranks were furnished a president of the United States, a distinguished candidate for the presidency whose memory will always be kept green by lovers of the Union, several United States senators, one cabinet officer, several members of congress, several distinguished officers in the United States army—all of whom were honorable men reflecting great credit upon the profession of law and upon the bar of Sangamon county.

A large and interesting volume could be written of the bar of this decade, but in this volume space forbids more than such individual mention as will show the character of those composing it.

A sketch of the life of General James Shields appears elsewhere in this work.

Silas W. Robbins immigrated from Massachusetts to Kentucky as early as 1825, and succeeded admirably as an attorney in that commonwealth, serving some years as a judge of one of the courts. There being a strong prejudice in that state against Yankees, he left about 1841 and came to Illinois and settled in

Springfield, forming one of that strong force of attorneys composing the bar of that period. He was an excellent lawyer, and soon succeeded in obtaining a lucrative practice, which continued until his retirement in 1852. Judge Robbins was a man of high temper and of a very belligerent disposition, never seeming happy or contented without a "wee bit of a row" on his hands. He could brook no restraints, and would be imposed on by no one, large or small. In 1855 he removed to a farm a short distance from Springfield, and there died about 1870.

Justin Butterfield was a citizen of Chicago, and often appeared in the Springfield courts. He was one of the most learned, talented and distinguished members of the bar during this decade.

Of Justin Butterfield, Jr., but little can be said. He came to Springfield in 1842, a young man of great promise, formed a partnership with B. S. Edwards, which continued about one year. He returned to Chicago on the dissolution of the co-partnership, and soon afterwards died.

U. F. Linder was a native of Kentucky, and born within ten miles of the place where Abraham Lincoln first saw the light of day. He came to Illinois in 1835, and settled in Coles county, but like all other lawyers of that day traveled the circuit. He was one of the most eminent lawyers of this decade, and the party securing his legal services was fortunate indeed. As an orator he had few equals. He was quick in repartee, and few cared to encounter him in debate. He was withal a trifle vain, but just enough to spur him on to action.

Josiah Lamborn was one of the best lawyers that figured in the courts of Sangamon county. Linder says of him: "Intellectually, I know no man of his day who was his superior. He was considered by all the lawyers who knew him as a man of the tersest logic. He could see the point in a case as clear as any man I ever knew, and could elucidate it as ably, never using a word too much or one too few. He was exceedingly happy in his conceptions, and always traveled the shortest route to reach his conclusions. He was a terror to his legal opponents, especially to those diffusive, wordy lawyers who had more words than arguments. I heard Judge Smith, of the supreme court, say that he knew of no lawyer who was his equal in strength and force of argument." Lamborn was a native of Kentucky, and received a liberal education. He possessed high social qualities, and his conversational powers were of the very highest order. As a prosecutor he was a terror to criminals. He was inclined to be vindictive, and very resentful of any slight offered him by an opposing attorney.

Lamborn was once prosecuting an old and gray-haired man for stealing hogs. Stephen T. Logan was defending him, and made a powerful plea in his behalf, describing the accused as a man with hair blossoming for the eternal world, with one foot in the grave and the other tottering upon the brink. The illustration was so apt that it had a wonderful effect upon the jury which was quickly dispelled when Lamborn rose to reply. "Yes, gentlemen of the jury," said he, "his hair is whitening for that place which burns with liquid fire; one foot is in the grave, and the other is in his neighbor's hog pen."

Levi Davis came to Springfield in 1839 as auditor of the state and served until 1841, when he commenced the practice of law, having been admitted to

the bar before his appointment as auditor. He was a good lawyer, a fine business man, courteous and affable to all whom he met. He removed from here to Alton, where he has since died.

A. K. Smede was a young but highly educated man from Mississippi who practiced law here between 1843 and 1845. He never met with much success and returned to his native state.

David Logan, while a youth, came with his father to Springfield, here studied law and was admitted to the bar in 1843. He was the son of Judge Logan and inherited many of the brilliant qualities of his father. He was a man of very superior talents. He practiced law in this circuit until 1847, when he went to Oregon, where he took high rank as a criminal lawyer, obtaining a large and lucrative practice. It is related that after he had become well established in Oregon his father was desirous of his returning home, and as an inducement wrote him that if he would come he would take him into partnership. The young man answered the letter, thanking his father very kindly for his generous offer, and closed by inviting him to Oregon, and as an inducement offered to take him into partnership. In 1860 on the election of United States senator, he secured the majority of the Republican members of the legislature in his interest, but the party not having a majority, the Republicans united with the Douglas Democrats and elected E. D. Baker, the Democrats of that wing feeling favorably disposed to Colonel Baker for his gallant defense of Broderick. Mr. Logan died in Oregon in 1874.

William I. Ferguson was a Pennsylvanian by birth, and came to Springfield when a mere child, afterwards studied law and was admitted to the bar in 1843. He was a very brilliant young man, and a first-class forensic lawyer. After his admission to the bar, he soon secured a good practice, and for some time held the office of attorney for the city of Springfield. About the year 1850 he went to Memphis, Tennessee, where he remained one year, and then returned to Springfield and resumed the practice of law. Becoming dissatisfied he emigrated to Texas in 1853, from which place he drifted on to California. In politics Mr. Ferguson was originally a Whig, and afterwards became a Democrat. In California he took an active part in politics and was elected to the state senate, and was a candidate for the United States senate in 1855, but failed of an election. In the exciting canvass growing out of the differences between the administration and Stephen A. Douglas in 1858, Senator Broderick was the leader of the Douglas faction, and Mr. Ferguson was a staunch adherent and defender of Broderick and Douglas. In his defense of the latter he incurred the displeasure of a man named Johnson, who challenged him to fight a duel. The challenge was accepted and Ferguson was slain. Colonel Baker delivered a funeral oration over his dead body, which was only equaled, a few months later, by his delivering the oration on the death of Senator Broderick, who fell in the same cowardly and disgraceful manner.

Archibald Williams, of Quincy, was frequently in attendance on the Springfield courts at this time, and his honest, homely features once seen were never forgotten. He was one of the most profound lawyers that ever practiced in the

courts of the state. Linder, in his "Reminiscences of the Bar," has this to say of Williams: "He was a member of the Illinois legislature in 1836 and 1837, and of the same house with Lincoln, Douglas and myself. He was over six feet high, and as angular and ungainly in his form as Mr. Lincoln himself; and for homeliness of face and feature surpassed Mr. Lincoln. I think I never saw but one man uglier than Archie, and that was Patrick H. Darbey, of Kentucky, also a very great lawyer, who once had a brace of pistols presented to him by a traveler he met upon the road, both being on horseback, who suddenly stopped, and asked Darbey to stop also, and said to the latter gentleman: 'Here is a brace of pistols which belong to you.' 'How do you make that out?' said Darbey. 'They were given to me a long time ago by a stranger, who requested me to keep them until I met an uglier man than myself, and I have carried them for over twenty years; and I had begun to think they would go to my heirs when I died, but you are the rightful owner of the pistols. I give them to you as they were given to me, to be kept until you meet an uglier man than you are, and then you will present them to him; but you will die the owner of the property, for I am confident there is not an uglier man than you in the world, and the Lord did his everlasting best when he created you.' Darbey accepted the pistols, and I never heard of them passing out of his hands. I know not what might have occurred had he and Archie Williams ever met. If there had been a jury trial of the right of property between them, I think it altogether likely it might have resulted in a 'hung jury.'

"Archie Williams sat near Mr. Lincoln in the southeast corner of the old State House in Vandalia, on his left, and I remember one day of a friend of mine asking me 'who in the world those two ugly men were.' Archie and Mr. Lincoln were great friends. I recollect Mr. Lincoln asking me on one occasion if I didn't think Archie Williams was one of the strongest-minded, clearest-headed men in Illinois. I don't know what reply I made at the time, but I know Mr. Lincoln said that he thought him the strongest-minded and clearest-headed man he ever saw."

Archie Williams has long since passed to his reward, but he has left a noble record, and one of which his descendants will always be proud. He made the race for congress in 1854 as a Free Soil candidate, but failed of election. When Lincoln was elected, he appointed him one of the federal judges of Kansas.

O. H. Browning is another Quincy lawyer that was often seen before the courts of Sangamon county. He came to this state from Kentucky. As a lawyer and a statesman he obtained a high and enviable distinction. He was often employed in the largest cases before the supreme court of the state and the United States courts. He was appointed to fill the vacancy in the United States senate, caused by the death of Senator Douglas, and served as secretary of the interior under President Johnson.

William A. Minshall, of Schuyler county, first figures in this bar in 1841. He was a very able lawyer and at one time was judge of the circuit of which Schuyler county formed a part. Linder says of him:

"Minshall, I believe, was a native of Ohio, and studied law with Judge

McLean. In his early days he was given to dissipation. He courted a most beautiful woman, and on proposing marriage to her she promptly rejected him, on the strength of which he got most gloriously drunk, and in his crazy mood put on seven clean shirts, and in that condition went over to see her again, letting her know that it was impossible for him to live without her. The young lady, being far from indifferent to the suit of Minshall, finally concluded that she would try and make a man of him, so she said to him: 'Mr. Minshall, I will never marry a drunkard, and if I had a husband and he should become one, I would leave him on the instant, if I loved him as I loved my life, but I have come to the conclusion I will marry you on one condition: If you will reform your habits, and give me satisfactory proof of the same, and make a solemn vow that you will never drink again. So, now, you go home and divest yourself of all those shirts but one, and come back in a month from now, and we will consummate this agreement.' Minshall gladly took her at her word, and after a month's probation he returned, took the vow, and they were married, and he religiously lived up to his pledge to the day of his death; and I know of no happier couple than they were in the whole circle of my acquaintance. He had a reputation of being one of the kindest."

Benjamin West came to Sangamon county in 1841, and settled in the village of Rochester. He was a man of fair talents, and was a good lawyer. In 1846 he was elected to the legislature, and died before the expiration of his term. Israel Crosby figured here during this decade, but did more in the real-estate business than in law. William Walker studied law, and was here admitted to the bar. He soon afterwards went to Camden, and from thence to Havana, Mason county. From the latter place he emigrated to Missouri, where he was afterwards elected circuit judge. He was regarded as above the average in ability.

Elliott B. Herndon was born on Silver creek, Madison county, Illinois, in 1820. In company with his parents, he came to Sangamon county in the spring of 1821. Elliott B. read law in Springfield, and was admitted to the bar in the winter of 1842-43, and was one of the three first young men admitted in the county. He at once commenced an active practice, which continued until 1868, when he retired, but resumed practice in 1873, continuing until 1878, when he permanently retired. Joseph Wallace, in a local paper issued February, 1880, thus speaks of Mr. Herndon:

"At present he belongs to the retired list of our barristers, and enjoys his otium cum dignitate; but still appears in court in special cases, and his opinion is often sought upon difficult and abstruse questions of law. He has always been recognized as the possessor of one of the soundest legal minds at our bar, and if he had been prompted more by the spur of necessity would have risen to yet higher rank as a lawyer."

Politically, Mr. Herndon was for many years engaged in the promulgation of Democratic doctrines, both from the stump and through the press. From 1857 to 1860 he edited the Illinois State Democrat, J. J. Clarkson, proprietor, a paper

started to contend for Democratic doctrine, "pure and undefiled," in opposition to what he regarded as heresies in the Douglas wing of that party.

Mr. Herndon held several very important offices, both elective and appointive. He served as city and county attorney, United States attorney for the southern district of Illinois. In 1858 he was appointed disbursing agent by the general government for Illinois.

In 1876 Mr. Herndon was married to Jerusha Palmer, in Springfield, Illinois. In the same article already quoted Mr. Wallace further speaks of Mr. Herndon:

"Physically and intellectually he is quite unlike his brother, William H.—the one inheriting the characteristics of the mother, while the other more nearly resembles the father. In person, Elliott B. is of medium height, broad-shouldered and heavy set, with a tendency, of late years, to obesity. His cranium is massive and finely developed, and his face square rather than oval. His style of speaking is deliberate and sententious, his gestures few, and his voice keen and penetrating."

As Springfield and Sangamon county increased in population, and as the business before the supreme court of the state and the United States district courts increased, the resident members of the bar became more numerous. It will therefore be seen that between the years of 1851 and 1861, the distinctive local bar was quite large. Many who had been following the circuit had ceased their attendance, and only appeared before the courts here on special occasions. The greater number of those heretofore mentioned as making a residence in Springfield, yet remained at the beginning of this decade, and few left during the time. The bar was therefore a strong one. Among those who figured during this time whose names have not already been given are John A. McClernand, L. B. Adams, N. M. Broadwell, D. A. Brown, W. J. Black, W. J. Conkling, Primm & Gibson, J. E. Rosette, J. B. White, G. W. Shutt, Thomas Lewis, J. France, D. McWilliams, Charles W. Keyes, Shelby M. Cullom, L. Rosette, A. McWilliams, J. R. Thompson, Charles S. Zane, William Campbell, J. D. Bail, G. W. Besore, Christopher C. Brown, John E. Denny, Milton Hay, L. F. McCrillis, J. W. Moffett, Charles B. Brown, S. C. Gibson, T. S. Mather, J. R. Mather, H. G. Reynolds, E. L. Gross, L. C. Boynton, A. B. Ives, C. M. Morrison, Joseph Wallace, Speed Butler, E. F. Leonard, William Prescott.

Among the number comprising the bar of this decade will be noticed the names of some who have since become distinguished as statesmen and others whose names have become so familiar to every reader of history as among the brave men who responded to their country's call when traitors sought to destroy the Union, and who became as adept in the art of war as in the intricacies of the law. Sangamon county furnished the commander-in-chief of all the armies, one of whom the bar of the county may well be proud, one of its brightest ornaments, the great and noble Abraham Lincoln. From the bar of Sangamon county went General John A. McClernand, a brave and skillful general who rose to the rank of a division and corps commander; Colonel James H. Matheny, Colonel L. F. McCrillis and others. Of the bar of this period much can be said and only that which is good.

Thomas Lewis was a character in his way. Originally a shoemaker by trade, he accumulated some money, engaged in banking, and then studied law; was admitted to the bar, and practiced for a time, though he secured but little business. To crown all he became a newspaper man and was editor and publisher of the Illinois Atlas until its incorporation with the Political Crisis, in 1871. He resided in Cairo, and thence removed to Kansas City.

J. France was a man well advanced in years when he came to Springfield. He was a fair lawyer and had a good practice for a time. D. McWilliams was a young man and had been admitted to the bar but a short time when he came here. He succeeded in securing a fair practice, but after a time he left and is now residing in Piatt, and is one of the leading members of the bar of that county.

A. McWilliams came here from Bloomington, where he was regarded as a very talented lawyer, and had fine success in all his professional engagements. The same success attended him here, and had it not been for an unfortunate temper he would have left a highly honorable and proud record. He was state's attorney one term. He died in 1862, near St. Louis.

C. M. Morrison was one of the most talented young men that have practiced in the court of Sangamon county. He was from Kentucky and came to Springfield about 1856. He very soon secured a lucrative practice and was for several years prosecuting attorney for this district. As a prosecutor he had few superiors. He had a frail body but a strong mind. He died in the prime of life.

William Prescott was from Wales, read law in Springfield and was admitted to the bar about 1860. When the war broke out he laid down his law books and took up the sword. He served as captain in one of the companies of the One Hundred and Thirtieth Regiment. While in the service, he was captured and held a prisoner of war for fourteen months. On his return to this county he was elected county judge and was the immediate predecessor of Judge Matheny. He removed to Chicago about 1879.

L. F. McCrillis came to this county from Calhoun. While a resident of the latter county he served a term in the legislature. He was regarded as a good lawyer. On the breaking out of the war he offered his services to the governor and was commissioned colonel of one of the Illinois regiments, and served with credit in the defense of his country. After the war closed he returned to Springfield and shortly after made a business trip to Washington, and while in that city he died very suddenly.

H. G. Reynolds was better known as a Mason than an attorney. He was for some years publisher of the Masonic Trowel. A. W. Hayes was here but a short time, and obtained no special standing as an attorney. He removed to Kansas.

S. S. Whitehurst was a fair lawyer and a good business man. He was clerk of the circuit court for some years. He is now dead. Lawrence Weldon was a good lawyer, and was from Bloomington. L. M. Phillips came from southern Illinois, and remained but a few years, and then returned to his old home. He was a fair lawyer, and secured a good practice while here. C. D. Harvey was

a good bankrupt lawyer, and had a good practice in the bankrupt courts. He only remained a short time, when he removed to California.

Primm & Gibson were young and vigorous men, who turned their attention principally to the land business. They are both now dead. William Campbell was Irish by birth, inheriting the social qualities of that fun-loving race. He was strong before a jury, having the natural eloquence of the Irish. He died some years ago. J. D. Bail was more of a poet than a lawyer, and in the profession was scarcely known.

Whatever may be said of the bar of Sangamon county, it cannot be said that it has ever deteriorated. It has always maintained a high standard of excellence. While it may be true that through political influence some of those of one decade may have become more noted, yet as regards standing before the courts, it will be seen no comparison can be made that would detract from the good name of either. The fifth decade, embracing the years 1861 to 1871, shows a list of names alike creditable to the period and to the excellent standing of the Sangamon county bar.

Some of the familiar names of the previous decade have disappeared, of which it might be said that some bearing them have removed to other points, some have retired from active practice, while others still are now practicing before a higher court and before the bar of Almighty God. Among the new members of the bar of Sangamon county during this decade were William M. Springer, J. K. W. Bradley, W. P. Olden, A. N. J. Crook, James E. Dowling, A. W. Hayes, Richmond Wolcott, L. H. Bradley, J. A. Chesnut, J. C. Crowley, William Fowler, James M. Mason, James W. Patton, Lawrence Weldon, L. M. Phillips, George C. Marcy, William E. Shutt, A. Orendorff.

During the sixth decade the bar of Sangamon county was increased in number by the following named: D. T. Littler, J. A. Kennedy, L. F. Hamilton, James C. Robinson, A. L. Knapp, Bernard Stuve, Bluford Wilson, Loren Hasson, Robert Allen, Thomas C. Austin, John F. Barrow, S. D. Scholes, W. P. Emery, Charles H. Rice, Charles D. Harvey, Robert H. Hazlitt, Robert L. McGuire, John M. Palmer, John Mayo Palmer, Alonzo W. Wood, Charles W. Brown, Clinton L. Conkling, Enoch Harpole, W. L. Gross, E. D. Matheny, J. C. Lanphier, Henry H. Rogers, George A. Sanders, J. C. Snigg, Ezra W. White, Charles P. Kane, Henry Kane.

Further record in regard to those mentioned in the foregoing list is as follows: J. K. W. Bradley died in Clark county; W. P. Olden is retired from practice; L. H. Bradley removed to Omaha; J. A. Chesnut died in January, 1898; William Fowler died several years ago; James C. Robinson died in 1886; Anthony L. Knapp is mentioned elsewhere; Robert Allen is deceased; John F. Barron is now a resident of Chicago, as is also John Mayo Palmer; Charles H. Rice died at Brighton, Illinois; Charles D. Harvey resides in California; Robert H. Hazlitt lives in Kansas, as does also Enoch Harpole; E. D. Matheny is now circuit clerk; Ezra W. White died many years ago; Henry Kane is a resident of Dallas, Texas.

John T. Stuart was the senior member of the firm of Stuart, Edwards &

Brown. He was born November 10, 1807, in Fayette county, Kentucky. During the earlier years of his life John T. Stuart remained with his parents upon a farm. While yet young he entered Centre College, at Danville, Kentucky, and graduated in that institution when but nineteen years of age. Immediately upon graduating, Mr. Stuart entered the law office of Judge Breck, in Richmond, Kentucky, and for two years pursued his studies under that eminent barrister. Having heard much of the "beautiful country of the Sangamo," and having relatives living in that favored region, he determined to emigrate there. Starting on horseback, he first made his way to Frankfort, Kentucky, and by the supreme court of that state was licensed as an attorney and counselor at law. In ten days he arrived in Springfield, weary and worn.

The attorneys Mr. Stuart found at the bar on his arrival, were James Adams, Thomas M. Neale, James Strode, Thomas Moffett and Jonathan H. Fugh.

Hon. Joseph Gillespie, now deceased, was asked to give his opinion of Mr. Stuart as an attorney. The following was his reply:

"Colonel John T. Stuart may be emphatically denominated the Nestor of the bar of Springfield, Illinois, a body of men without superiors, if equals, in any state in the Union. We believe there is but one man now living in Illinois who antedates him as a practitioner, and that man is William Thomas, of Jacksonville. John T. Stuart is a native of Kentucky, from whence he emigrated to Illinois in 1828, and located in the future capital. After the manner of the Kentucky school, he was thoroughly grounded in the history and elementary principles of the law, whereby he was enabled to elucidate and apply it to the cases which might arise on the circuit, with the aid of such authorities as one could carry in his head and saddle-bags. John T. Stuart is pre-eminently a man of reason, and if he be tried by the maxim, 'By their works shall ye know them,' he will come out all right. He was the tutor of one of the greatest men who ever lived, Abraham Lincoln, who imbibed his precepts, principles and methods. An important part of Lincoln's great character was the work of John T. Stuart. The leading traits of the subject may be summed up in the attributes of sterling integrity, great forecast, and strong will. In the management of professional business, he seeks first to understand his own side of the case, and next to penetrate the designs of his adversary, in which he never fails. He keeps his own batteries effectually masked, while those of the opposite side are closely scrutinized. He knows their calibre and position completely. It was this quality which made him so eminently successful as a politician. He was fastidiously sincere in all his professions and engagements. There was no trouble in discerning the attitude of John T. Stuart; but in regard to his plans, either political or professional, he was perfectly inscrutable. Whatever you had a right to know he would communicate with the greatest cheerfulness; but whatever he had a right to conceal, no man could find out. Stuart always believed in the efficacy of labor, and worked his cases well. He was eminently conscientious with his clients, and never allowed them, if he could prevent it, to go to law for a profitable wrong or an unprofitable right. He has done more than any other man in the state to discourage frivolous litigation. He has always taken a great interest in assisting young men, aiding

them by his counsel in the management of their cases, and inspiring them with confidence and laudable ambition. His veneration for the profession of the law is very great, and anything like unworthy conduct, tending to lower it in the estimation of honorable men, calls out his prompt and decided animadversion. It would, perhaps, be enough to establish the fame of John T. Stuart upon a solid and enduring basis, to say, as can be truthfully said of him, that throughout all those long years he practiced here he was the recognized peer of such men as Stephen T. Logan, Abraham Lincoln, Milton Hay, John M. Palmer, and a host of others whose lives will adorn the pages of our judicial history so long as talent and worth shall be appreciated."

In politics Mr. Stuart was originally a Whig, of the old school. In 1832 he was elected a member of the legislature, and re-elected in 1834. In the house he made a useful member, ever at his post, and ever looking forward to advance the interests of his constituents. In those days the question of internal improvements was the leading issue before the people, and Mr. Stuart strongly advocated every measure that, in his opinion, would tend to develop the industries of the country. In 1836 Mr. Stuart was nominated by his party for representative in congress, and made the race against William L. May, of Springfield. In this race Mr. Stuart was beaten, as he really expected to be. In 1838, he was again nominated, in opposition to Stephen A. Douglas. In this campaign Mr. Stuart was successful, and therefore became a member of the twenty-fifth congress. In 1840 he was again a candidate, and again elected. In congress, Mr. Stuart made no special effort to become prominent, being content to be recognized as one of the working members of that body, but that he was not without influence is illustrated in the fact that he secured the passage of an appropriation for a harbor at Chicago, the first appropriation, it is thought, ever passed for that purpose.

In 1842 Mr. Stuart declined a re-election to congress and again resumed the active practice of law; but in 1848, he was prevailed upon to accept the nomination for state senator, in the district composed of the counties of Sangamon, Mason and Menard. He served the term of four years, for which he was elected, but from that time until 1862 he was virtually out of politics, though a firm supporter of Millard Fillmore, in 1856, and John Bell, in 1860, for the presidency. During the dark days of the war it was always his earnest hope that President Lincoln would pursue a conservative course. He believed in subduing the rebellion, and in a vigorous prosecution of the war, but desired nothing should be done by the Union authorities that would disarrange the existing order of things—the war must be carried on in a constitutional way; that institution must be kept inviolate by all who had sworn to protect it.

Mr. Stuart was triumphantly elected a member of congress in 1862, receiving the entire Democratic vote and that of hundreds of Republicans. In Sangamon county, where he was personally known by every voter, he ran far ahead of his ticket. In congress he endeavored to act faithfully to his convictions. The emancipation proclamation of President Lincoln he opposed, for the reason he believed it unnecessary, and the objects for which it was issued could more readily be attained in other ways. It is due to him to say that he later believed that "all

was for the best." In 1864 Mr. Stuart received the Democratic nomination for congress, but was defeated by Shelby M. Cullom. From that time he ceased to take an active part in political life.

Mr. Stuart always took an active part in all matters of public interest. No man in Sangamon county is entitled to more credit for the excellent railroad system of this county. He was one of the three commissioners for building the new state house. As chairman of the executive committee of the National Lincoln Monument Association, it devolved upon him to do more than any other one man in superintending the erection of that monument to the memory of his life-long friend, Abraham Lincoln.

John T. Stuart and Mary V. Nash, a daughter of General Frank Nash, and niece of Judge Lockwood, were united in marriage at Jacksonville, Illinois, October 25, 1837. Six children were born unto them. Mr. Stuart died November 28, 1885.

Benjamin S. Edwards, for more than forty years an honored member of the Sangamon county bar, was the youngest son of Hon. Ninian Edwards, the first governor of the territory of Illinois, afterward United States senator and governor of the state. He was born June 3, 1818, in Edwardsville, Illinois. He graduated at Yale College in 1838, studied law at the law school connected with that college, in 1839, completed his preparatory studies for the profession with Hon. Stephen T. Logan, deceased, of Springfield, and began practicing in March, 1840, with such competitors as Abraham Lincoln, Stephen A. Douglas, S. T. Logan, E. D. Baker, Jesse B. Thomas, Mr. McDougal, Mr. Lamborn, and other legal lights. In 1843 Mr. Edwards entered into partnership with Hon. John T. Stuart, in Springfield, and they were associated in practice for more than forty years. He studiously and zealously applied himself to the profession, paying little attention to politics. He was chosen a member of the constitutional convention in 1862, representing Sangamon county. He was nominated for congress on the Democratic ticket, in 1868, and greatly reduced the ordinary Republican majority, though opposed to Governor Cullom in the contest. Mr. Edwards became a candidate for judge of the circuit court in 1869, was elected, and discharged the judicial duties with satisfaction to lawyers and litigants. When the circuit was enlarged, Judge Edwards retired from the bench, and afterward devoted himself entirely to legal labors. Judge Edwards honored the profession and won an enviable reputation, both as a superior lawyer and a thorough gentleman. His death occurred several years ago.

James C. Conkling was born in New York city, October 13, 1816. At the age of thirteen, he entered the academy at Morristown, New Jersey, and prepared for college. He entered Princeton and graduated in 1835. He then read law for three years. In the fall of 1838 he came to Springfield, was licensed by the supreme court of the state the following winter, and at once commenced the practice of law. Soon thereafter he formed a partnership with Cyrus Walker, who, though living at Macomb, practiced in the courts of Springfield. This arrangement continued for about two years, when he formed a partnership with General James Shields.

In 1845 Mr. Conkling was elected mayor of Springfield and served one term. In 1851 he was elected a member of the house of representatives of the legislature of the state, and again in 1866. His object in accepting the nomination was for the purpose of securing an appropriation for the building of a new state house, and by that means forever to secure Springfield as the permanent seat of government of the state. At the session of the legislature in the winter of 1866-7 Mr. Conkling was made a member of the committee on public buildings, and also chairman of the judiciary committee. As a member of the former he drew a bill for an appropriation, which after considerable delay was reported to the house. Here the fight raged furiously between friends and opponents of the measure. Several days were spent in discussion, and while one of the opponents of the measure, who had been selected to close the debate, was making his speech, Mr. Conkling learned the bill had no enacting clause, the engrossing clerk having left it off the bill as presented. Calling Isaac Keys, since deceased, Mr. Conkling proceeded to the office of the engrossing clerk and compelled him to restore the enacting clause, and supply words that had been omitted or changed from the original bill. Returning to the house with the true copy, it was given to the clerk and the vote taken. A majority of two votes was obtained for the bill. Mr. Conkling deserves great credit for his efforts in this connection. He had to fight against great odds. Leading men in Springfield, who had been working for months to the same end, before the bill was put upon its passage, became discouraged and abandoned the field.

In 1863 Mr. Conkling was appointed, by Governor Yates, state agent to settle the claims against the general government for equipments furnished volunteers. The duty was performed to the satisfaction of the state.

James C. Conkling and Mercy A. Levering were united in marriage September 21, 1841, in Baltimore, Maryland. Five children were born to them. Mr. Conkling has been a man of great enterprise and business activity. He has used much of his wealth in building enterprises and for the encouragement of manufactures. He is a member of the Second Presbyterian church of Springfield, and for many years has been a ruling elder in that body.

James H. Matheny was born in St. Clair county, Illinois, October 30, 1818. In the spring of 1821 he was brought by his parents to Springfield, where he has since continued to reside. He now lays claim to be the oldest living resident of the city. Judge Matheny's life has been an active one. In 1839 he was appointed deputy clerk of the supreme court and served for a time. In 1841 he entered the office of Baker & Bledsoe as a law student, and for two years pursued his studies, being admitted to the bar in 1843. He "hung out his shingle" in Springfield and soon secured a good practice, and thereafter never lacked for clients. As a jury lawyer he ranks high, and has been retained in many of the most prominent cases before the courts of Sangamon and adjoining counties. He is an effective speaker, his perceptive faculties are large, and he can quickly grasp a point or penetrate the aims of an adversary.

In 1845 he was united in marriage with Maria L. Lee, and by her had seven children.

Judge Matheny has held many important public positions, and has always discharged his trusts in a faithful manner. In addition to those already mentioned, he was a member of the constitutional convention of 1848, and was elected clerk of the circuit court in 1852, and served one term of four years. During the war he was commissioned lieutenant colonel of the One Hundred and Thirtieth Illinois Infantry. After the capture of Vicksburg he was on detached duty, holding military courts until 1864, when his regiment was consolidated with another, and he resigned. In November, 1873, he was elected judge of the county court of Sangamon county, and re-elected in 1877, without opposition.

In the "good old days of the Whig party" Judge Matheny was an earnest defender of its principles, his first presidential vote being given for William Henry Harrison, in the campaign of 1840. On the dissolution of the Whig party, Judge Matheny acted for a short time with the American and Republican parties, but on account of the conservative tendency of his mind he finally drifted into the Democratic ranks. He is not a modern politician by any means, and never has antagonized the better element of opposing parties. When running for office, he invariably led his ticket, in consequence of personal popularity.

William H. Herndon was born in Greensburg, Kentucky, December 25, 1818, and came to Illinois in 1820, and to Sangamon county in 1821, in company with his parents. The schools of Springfield he attended, as opportunity offered, until 1836, when he entered Illinois College, at Jacksonville, but only attended one year, being removed by his father in consequence of the abolition excitement then pending. The elder Herndon was inclined to be pro-slavery in his views, and did not care to have his son have abolition sentiments instilled in his mind by the professors in the Jacksonville institution. After his removal from the college, he clerked in a store for several years, and in 1842 entered the law office of Lincoln & Logan, where he read two years and was admitted to the bar in 1844. The partnership of Lincoln & Logan now being dissolved, Mr. Lincoln and Mr. Herndon became partners, a relation which was never formally dissolved, and which existed until the death of Mr. Lincoln, though other temporary arrangements were effected by Mr. Herndon after Mr. Lincoln entered upon the duties of the presidency.

In the days of the old Whig party, Mr. Herndon was an advocate of its principles, and the "hard-cider campaign" of 1840 was the first in which he participated. He was always an opponent of slavery, and on the organization of the Republican party he became one of its strongest advocates. Mr. Herndon was never an office-seeker, and the public positions that he held came to him unsought. He held the offices of city attorney, mayor of Springfield, bank commissioner for the state, under Governors Bissell, Yates and Oglesby, besides other minor offices.

William H. Herndon and Mary J. Maxcy were married in Sangamon county, March 26, 1840. They had six children. Mrs. Herndon died August 18, 1860,

and Mr. Herndon was married July 31, 1861, to Anna Miles, by whom he had two children. He died several years ago.

Norman M. Broadwell was born in Morgan county, Illinois, in 1825. He received his chief literary education in his native county; came to Springfield and commenced reading law with Abraham Lincoln and William H. Herndon, in 1851, and was admitted near the close of the same year. Upon being admitted to the bar Mr. Broadwell at once entered upon practice, which he zealously and successfully prosecuted, with but slight interruptions, for a third of a century. He had several law partners during these years, among them such eminent attorneys as Governor S. M. Cullom, General John A. McClernand and Hon. William M. Springer. The first cause he ever tried in a court of record, Abraham Lincoln was opposed to him as counsel, and the last cause Mr. Lincoln ever tried in the Springfield courts Mr. Broadwell was his associate counsel. Judge Broadwell was an ardent devotee of his profession, and paid little attention to politics. He was, however, elected to the state legislature in the fall of 1860, from the Sangamon county district, on the Democratic ticket, being the only successful candidate of his party in the county that year. In 1862 he was elected county judge, served three years, and was chosen mayor of Springfield in 1867, and re-elected in 1869. Judge Broadwell was united in marriage to Virginia Iles, in Springfield, in 1856, and they had four daughters and one son. Judge Broadwell died several years since.

John E. Rosette was a native of Delaware, Ohio, born in 1823. He was educated in that city, and read law there with Hon. Charles Sweetzer, an ex-member of the United States congress; was admitted to the bar in Columbus, Ohio, in 1850, and located in practice in Findlay, Hancock county, Ohio. During the several years of professional life in that place he was twice elected prosecuting attorney of the county. From thence he returned to Delaware; lived there nearly three years, and was appointed probate judge of the county. In 1855, upon the invitation of Abraham Lincoln, Mr. Rosette removed to Springfield, Illinois, and was an active and prominent member of Sangamon county bar for thirty years. He was originally a Democrat in politics, but after 1856 was identified with the Republican party.

Mr. Rosette was united in marriage with Miss Mary Taylor, in Findlay, Ohio. They had four daughters. Mr. Rosette died many years ago.

Charles S. Zane is a native of New Jersey, born March 2, 1831. In April, 1850, he came to Sangamon county, and in the autumn of 1852 he entered McKendree College and pursued a course of study for three years, passing the vacations in teaching, which he continued after leaving college, while reading law. Mr. Zane entered the law office of Hon. J. C. Conkling in 1856; completed the course and was admitted to the bar in the spring of 1857, and opened an office. He was elected city attorney in the spring of 1858, and re-elected in 1860 and 1865. In the spring of 1861 Mr. Zane formed a partnership with William H. Herndon, former law partner of Abraham Lincoln, and did a successful business until 1869, when the firm was dissolved and he associated himself with Hon. Shelby M. Cullom and George O. Marcy. This relation was con-

tinued until Mr. Zane was elected circuit judge in 1873. He removed to Utah, where he has been chief justice for many years.

Judge Zane married Miss Margaret Maxcy in 1859, and they became the parents of eight children.

General John Alexander McClernand is the only child of Dr. John and Fatima McClernand, and was born in Breckenridge county, Kentucky, in 1812. Four years later his father died, and young McClernand, being made of that stern stuff that overcomes difficulties and surmounts obstacles, had succeeded in placing himself in a respectable position and practice in the legal profession at the early age of twenty. Meantime, in 1830, he had moved with the family to Shawneetown, Illinois. In 1832, before attaining his majority, he volunteered as a private in the Black Hawk war, and served honorably to its close.

In 1835 General McClernand established the first Democratic journal ever published in Shawneetown; and the same year re-commenced the practice of law, which continued with success until he was elected to United States congress in 1843. In 1836 he was elected to the Illinois legislature, from Gallatin county. During this session he advocated that mode of constructing the Illinois and Michigan canal known as the "deep-cut" plan, which was finally adopted. General McClernand was chosen by the legislature as commissioner and treasurer, which duties he so faithfully discharged that complimentary resolutions respecting his services were passed in a number of public meetings held at different points. In 1838 he was urged to become a nominee for lieutenant governor, but declined, because under the constitutional age—thirty years.

In 1840 General McClernand was again returned to the legislature from Gallatin county; was re-elected in 1842; and as chairman of the committee on finance introduced several measures to alleviate the existing financial troubles of the state, which he attributed to the defective banking system. These measures were all adopted. In 1843, while still a member of the legislature, he was chosen representative to the twenty-eighth congress. The first speech he made in that body was on the bill to refund the fine imposed upon General Jackson by Judge Hall. During the same session he delivered a speech on the Rock Island controversy, which was extensively published. In the second session of the same congress, as a member of the committee on public lands, he brought forward a comprehensive report, accompanied with a bill for a grant of land to aid in the completion of the Illinois and Michigan canal. By an act of the legislature, the time for holding elections had been changed, and General McClernand was re-elected to congress in 1844. In the first session of the twenty-ninth congress he prepared and introduced a bill to reduce and regulate the price of public lands. In the ensuing session, as chairman of the same committee, he introduced a bill, which became a law, to bring into market the mineral lands lying around Lake Superior. In 1848 General McClernand was again elected to congress, but not without opposition. He drafted the bill granting a quantity of land in aid of the construction of the Illinois Central Railroad and its Chicago branch. His colleague, Senator Douglas, being furnished a copy, introduced it in the senate, and, with amendments, it passed both houses and

became a law. During the same session he, as chairman of the committee on foreign affairs, introduced a paper for the regulation of the state department. In 1851, declining re-election, he retired from congress, after a flattering career of eight years, and moved to Jacksonville, Illinois. The following year he was chosen presidential elector for the second time in his life, and supported Pierce and King. In 1856 he made a powerful speech at Alton, deprecating the repeal of the Missouri Compromise, and predicting danger to the country as a consequence. In 1856 he removed to Springfield, Illinois, where he soon gained a prominent position as a lawyer in the state and federal courts. In 1859 he was elected representative to congress, to fill the vacancy caused by the death of Major T. L. Harris. In 1860 he introduced a bill repealing the law organizing the territory of Utah and merging that territory into others, this being his plan for overcoming the ascendancy of the Mormons, and the evils of polygamy.

In 1843, after his first election to congress, and before taking his seat, General McClernand married Miss Sarah, daughter of Colonel Dunlap, of Jacksonville, Illinois.

The eminent services of General McClernand during the war of the Rebellion are too well known to require recapitulation here. Venerable in years, he still maintains his home in Springfield.

Christopher C. Brown, senior member of the law firm of Brown, Wheeler, Brown & Hay, was born in what is now a part of Menard county, Illinois, on the 21st of October, 1834. He attended the Springfield schools and the Lutheran College at Hillsboro. He read law in Springfield, then attended the Transylvania Law School, in Lexington, Kentucky, was admitted to the bar in 1858, and in January, 1860, commenced practice in Springfield. He has been an earnest worker in the Democratic party. Mr. Brown was united in marriage with Miss Bettie, daughter of Major J. T. Stuart, of Springfield, in October, 1859. She died in March, 1869. Mr. Brown married Carrie, daughter of John E. Owsley, of Chicago, in 1872.

Hon. Charles A. Keyes.—Springfield is fortunate in possessing as resident citizens quite a large percentage of the distinguished members of the bench and bar of central Illinois. Among those who may lay claim to being one of the native sons of this city is the subject of this notice, he having been born here December 4, 1831. His parents, James W. and Lydia (Spickerd) Keyes, were from the south, both being natives of Virginia. They removed to Illinois soon after their marriage, and in the private schools of this city Charles A. received his preliminary education. Subsequently, he entered Illinois College and was graduated there in 1854.

Soon after completing his literary and scientific education Mr. Keyes took up the study of law under the supervision of Elliott B. Herndon, and was admitted to the bar in 1856. For the following eight years he and Mr. Herndon were in partnership together, but the succeeding decade Mr. Keyes practiced alone. In 1867 he was appointed master in chancery, serving as such until 1874. In the year last mentioned he and John A. McClernand associated themselves in partnership, and for eleven years, or up to the time that the latter was

appointed to serve on the Utah commission, they did business together. Since 1885 Mr. Keyes has conducted his practice alone, and has succeeded in building up a large and remunerative clientage.

In the autumn of 1862 our subject was elected to the lower house of the Illinois legislature, and served for two years as a member of that honorable body. Again, in the fall of 1884, he was elected to the general assembly and filled out his full term. During the years 1857 and 1858 he was the attorney of Springfield, and during the Lincoln-Douglas controversy he was chairman of the Democratic committee of this county. In 1876 he was one of the Tilden electors, and at all times since he became a voter he has been a zealous champion of the Democratic principles and nominees. In May, 1869, Mr. Keyes married Miss Elizabeth Lauman, of Xenia, Ohio, and their family consists of a son and two daughters.

Eugene L. Gross was born December 25, 1836, in Starkville, Herkimer county, New York, and came to Illinois with his parents in 1844. He received an academical education, and subsequently read law in Knoxville, Illinois, and was admitted to the bar in 1857. In 1858 he came to Springfield and opened an office, and here practiced his profession until his death. As a lawyer, he was regarded by both the members of the bar and the public as one of more than ordinary ability.

In 1865 he revised the city ordinances of the city of Springfield, by direction of the common council. In 1868, in connection with his brother, Colonel William L. Gross, with whom he had formed a law partnership, he compiled and published the General Statutes of the state then in force. In January, 1868, they compiled and published a Digest of the Criminal Laws of the State. In 1869 a new edition of the General Statutes, including the laws of 1869, were published. During this year they also compiled and published an index to the private and special laws of Illinois. In 1872 they compiled and published the second volume of Gross' Statutes.

Eugene L. Gross and Susan L. Zimmerman were united in marriage April 17, 1860. Four children were born to them.

Mr. Gross was never an aspirant to public office, being contented to follow the profession he had selected for a life work. In politics he was always a thorough-going Republican, and an earnest advocate of the principles of that party. He died of consumption, June 4, 1874.

Milton Hay was born in Fayette county, Kentucky, July 3, 1817. His boyhood was passed in his native state, and there he acquired his rudimentary education. In the fall of 1832 he removed with his father's family to Springfield, and six years later, in 1838, he became a student in the law office of Stuart & Lincoln, composed of John T. Stuart and Abraham Lincoln, two of Illinois' most illustrious citizens. In 1840 he was admitted to the bar, and at once removed to Pittsfield, Pike county, where he engaged in the practice of his profession. Hon. Edward D. Baker, afterward United States senator from Oregon, resided in Springfield, but, like other lawyers of his standing, traveled on circuit, visiting many county seats during term time, and he and Mr. Hay formed a co-

partnership in Pittsfield, Mr. Hay remaining at that point, and Mr. Baker attending at each term of court. Being young, industrious and full of ambition, Mr. Hay gradually built up an extensive practice, and ere long became recognized as a young man of more than ordinary attainments, and the peer of his brethren at the bar.

At the outset of his legal career, the demands of his practice were naturally not extreme, and for a year or two he entered into the service of the press. During the first session of the legislature, after the removal of the capital to Springfield, he became a reporter for the *Sangamo Journal*, the leading Whig paper of that day, and reported the proceedings of the general assembly. As soon as the session of that body ended, he returned to Pittsfield and resumed his practice. After building up as large a practice as a small town like Pittsfield could furnish, he removed to Springfield, in 1858. At that time Stephen T. Logan was recognized as one of the first lawyers of Illinois. In quickness of perception and fertility of resource he was perhaps unequalled. A copartnership was formed between Judge Logan and Mr. Hay, from which the former withdrew in 1861, owing to advancing age.

Mr. Hay then became associated with Hon. Shelby M. Cullom, now United States senator from Illinois, and the late Antrim Campbell. Mr. Campbell retired in a year or two, but Mr. Hay and Mr. Cullom continued in practice together until 1866, when Mr. Cullom withdrew and Mr. Hay formed a new partnership with Hon. John M. Palmer. This connection continued until the election of General Palmer as governor of the state, in 1868, and during that year Mr. Hay became senior member of the firm of Hay, Greene & Littler. This partnership lasted until December 31, 1879, at which date Mr. Hay retired from practice.

In 1870, Mr. Hay, yielding to the solicitation of his friends and those high in the councils of the state, allowed himself to be named as a member of the constitutional convention held that year, and here he was a leading figure, by virtue of his excellent judgment and judicial acumen. Many of the wisest provisions of the constitution were shaped by him, as first minority member of the judiciary committee, and as chairman of the committee on revenue. He was elected a member of the second legislature after the adoption of the constitution, and being a man of affairs, one of those clear-headed, constructive and able men whose persistent industry, comprehensive grasp of details, and power to marshal them for practical results, he was invaluable in committee, where legislation is perfected, and all important measures are prepared. With an incisive clearness as a debater, with a cool judgment that did not allow his feelings to carry him away, with a keenness of vision that led him to lay his plans well in advance, and with a persistency that kept at work until the point was reached, he made one of the strongest members of a body in which more is accomplished by personal influence than by forensic display.

During his legislative career he served as chairman of the revenue committee, and was a member of the commission by whom the last revision of the statutes was made. In 1885 he was selected a member of the commission ap-

pointed to revise the revenue laws of the state, and acted as chairman of that body. The deliberations of this committee, however, were nullified by the failure of the legislature to adopt the proposed law.

From the time of his retirement from the practice of his profession until the close of his life, September 15, 1893, Mr. Hay lived quietly at his home, looking after and caring for his large property interests and enjoying a well earned rest after an active professional life extending over a period of forty years.

Mr. Hay was twice married. His first wife was Catharine, daughter of James Forbes, of Pittsfield. She died in 1857. In 1861 he married Mary, eldest daughter of Judge Stephen T. Logan. Mrs. Hay died in 1874, leaving two children, Mrs. Stuart Brown and Logan Hay, both residents of Springfield, where the latter is engaged in the practice of law.

Had any evidence been needed to show the high estimation in which Mr. Hay was held, it would have been supplied by the many expressions of grief and of respect with which the news of his death was received. The people, the press, the bar association, and the federal and state courts gave formal expression to the feeling of general loss. A just tribute to his memory is the following estimate, published editorially in the Chicago Tribune:

Milton Hay was one of those few men who, while acknowledged by all to be well qualified to occupy any office, care for none. Those positions which he did consent to fill were accepted by him from a sense of duty and not from love for office. He became a member of the constitutional convention of 1870 because Sangamon county wished to send its best and strongest man there. And there was no member of that body who rendered more valuable service than he did. He was not one of the talkative members of the convention. His work was done in committee and not on the floor, and to his legal ability and ripe judgment are due many of the most excellent features of the organic law of the state. He had lived in Illinois for nearly forty years. He knew thoroughly its people and their needs. He was familiar with the blunders, financial and otherwise, that Illinoisans had committed in the constitution of 1849. He knew the defects of that constitution, for he had seen its bad workings for over twenty years, and he used all his energies successfully to eliminate them.

He went to the legislature from Sangamon county in 1874, for his services were there needed. When his term expired his public life ended, though he remained what he had been for years, the cautious and wise adviser of the Republican party, which would have fared better on some occasions had it heeded his suggestions. For, while averse to office, he took a keen interest in politics, as was inevitable with a man whose active life began in 1840, and that interest he never lost.

The caution, deliberation and well balanced judgment which made Mr. Hay so safe an adviser in political matters contributed to make him one of the very ablest legal counselors in the state. He was a "sound" man, one whose conclusions regarding legal questions were accepted almost without demur. He was not a splendidly oratorical lawyer, like his first law partner, the brilliant Senator Baker. He could not have shone at the bar or in the senate, like the latter, but every word which he spoke had weight with judges and juries. He had studied law under Abraham Lincoln and John T. Stuart, and such schooling made good lawyers. Milton Hay would have made a great supreme judge.

It would be well for Illinois if the state had more men of the same type as Milton Hay, who, while neglecting neither national, state, nor local politics, and not thinking it

beneath them to take active part in primaries and elections, are not eaten up by the itch for office and neglect and sacrifice all else to gain it.

Hon. William M. Springer was born in Sullivan county, Indiana, May 30, 1836. When twelve years old he moved with his parents to Jacksonville, Illinois. He entered Illinois College, but, owing to some difficulty with the faculty, was dismissed from the institution, and went thence to the State University of Indiana. In 1858 Mr. Springer returned to Illinois, and after studying law nearly three years, in Lincoln, was admitted to the bar in 1860. The same year he was a candidate on the Democratic ticket for representative in the state legislature, for the district composed of Logan and Mason counties, but was defeated by Colonel Robert B. Latham. In 1861 he settled in Springfield, and soon formed a law partnership with Hon. N. M. Broadwell and General John A. McClernand, the latter of whom retiring some years afterward, the firm continued as Broadwell & Springer. Returning home in 1870, at the close of a two-years tour in Europe, Mr. Springer was elected to represent Sangamon county in the legislature. Several sessions were held and a complete revision of the statutes of Illinois was made while he served in that body.

In 1874 Mr. Springer was elected representative to congress for the twelfth district, composed of the counties of Cass, Christian, Menard, Morgan, Sangamon and Scott, and re-elected in 1876, 1878 and 1880, being nominated the first time on the first ballot, and each subsequent time by acclamation. He is now the incumbent as tribal judge at Muscogee, Indian territory.

Mr. Springer married the daughter of Rev. Calvin W. Ruter, of Indiana. They have but one child, William Ruter Springer.

William E. Shutt was born in Waterford, Loudoun county, Virginia, May 5, 1840. His parents, Jacob and Caroline (Leslie) Shutt, moved to the city of Springfield in November, 1842. They were natives of Loudoun county, Virginia. Mr. Shutt was educated in the city schools, and read law with Judge James H. Matheny, and was admitted to the bar in 1862, commencing practice immediately. In 1864 he was elected city attorney on the Democratic ticket; was chosen mayor of the city in 1868, by the same party. In 1874 he was elected to the state senate, for four years; and was re-elected in 1878, his official term expiring in 1882. The law firm of Robinson, Knapp & Shutt was formed July 1, 1869, composed of Hon. James C. Robinson, Anthony L. Knapp and Mr. Shutt; and existed until the death of Mr. Knapp, in May, 1881, after which Robinson & Shutt formed a partnership with J. M. and J. Mayo Palmer, under the firm name of Palmers, Robinson & Shutt. John Mayo Palmer withdrew from the firm and is now practicing in Chicago.

Robert L. McGuire is a native of Missouri, and was born in 1833. He graduated at the Missouri University, at Columbia, in 1857. In 1861 he came to Springfield, read law, and was admitted to the bar in 1862.

Isaac K. Bradley was born in Gallia county, Ohio. He attended school at Marshall and at Lebanon, Illinois, completing the classical course in 1869; read law with Messrs. Bradley & Olden, in Springfield; was admitted in May,

1870; began practice as a member of the law firm of Bradley, Olden & Bradley, in 1871. He is now deceased.

Richmond Wolcott was born in Morgan county, Illinois, January 10, 1840, was educated at Jacksonville, and graduated in Illinois College in 1859. In 1861 he enlisted as a private in the Tenth Illinois Infantry; was promoted to first lieutenant and then captain. He served until September, 1864, when he resigned and returned to Jacksonville, and resumed the study of law, which he commenced before he entered the army. In June, 1865, he was admitted to practice, and at once located in Springfield and actively engaged in the practice of his profession. In politics Mr. Wolcott is a Republican.

Thomas C. Mather, of Scholes & Mather, has been practicing law in Springfield since the spring of 1865, and has been a member of the present firm since 1871. He first read law with Hay, Cullom & Campbell, and then attended the law department of Michigan State University, where he completed the course of studies in the spring of 1864. He then entered the office of a law firm in Chicago, where he remained until the spring of 1865, when he was admitted to practice in the courts of this state, and at once returned to Springfield.

Clinton L. Conkling was born in Springfield, October 16, 1843. He was educated in Yale College, graduating in 1864. He studied law in the office of his father, Hon. James C. Conkling, of Springfield, and was licensed to practice in the courts of Illinois November 23, 1866, and the United States in January, 1867. After practicing a few years he turned his attention to the manufacturing business, but in 1877 resumed the duties of his profession, to which he now gives his whole time, devoting special attention to chancery and real-estate law, and to the settlement of estates. For some years Mr. Conkling was secretary of the Lincoln Monument Association, and has been an active member of the fraternity of Odd Fellows in central Illinois, besides being identified with other and similar benevolent societies. He has also been a member of the board of supervisors of the county two terms. In his real-estate practice he represents large land interests in this and other states. In 1867 Mr. Conkling married Miss Georgie Barrell.

Lloyd F. Hamilton, who has been engaged in active practice at the bar of Springfield since 1866, was born in Meade county, Kentucky, April 25, 1844, and is a son of Felix and Jane E. (Wathen) Hamilton, who also were natives of the same state. The father died when Lloyd was only six months old, and the mother afterward removed to Tazewell county, Illinois, where he resided until coming to Springfield, in August, 1866. He acquired his elementary education in the common schools, was for two years and one additional term a student in Eureka College, and then entered the law department of Michigan University, at Ann Arbor, where he spent six months. He was graduated in the Union College of Law, Chicago, in July, 1866, and in April of the same year was admitted to the bar.

On his removal to Springfield Mr. Hamilton formed a partnership with Peran England, with whom he was associated one year, and then practiced in connection with Thomas G. Prickett three or four years. He was afterward alone

in business for a time, but later entered into partnership relations with Charles L. Rice, the firm of Hamilton & Rice practicing successfully for seven years. On the expiration of that period he became a partner of R. L. McGuire, with whom he practiced for three years, and in 1882 he became associated with James W. Patton, which connection is still continued, the firm ranking among the most popular and proficient law firms in Springfield. Mr. Hamilton has served as city attorney for two terms, was state's attorney from 1872 until 1876, and was state senator from 1883 until 1887. His political support was given the Democratic party until the adoption of the Chicago platform of 1896. He was married in May, 1886, to Miss Lucy Fletcher.

James W. Patton was born February 15, 1840, near Auburn, Sangamon county, Illinois. When but eight years old his father died, leaving his mother with three children.

In 1860 he entered the law firm of Messrs. Hay & Cullom, of Springfield, with whom he studied until admitted to the bar. At the presidential election of 1864 he was elected to the legislature. In April, 1866, he located in Springfield, and commenced the practice of his profession. December 9, 1869, he married Francine E. Lanphier, of Springfield.

Samuel D. Scholes was born in Peoria county, Illinois, in 1841. He was educated in Antioch College, Ohio, and began reading law with Johnson & Hopkins, of Peoria. He served effectively in the war of the Rebellion, at the close of which he returned to his law books, and in January, 1866, was admitted to the bar, and commenced practice in Springfield. In 1875 he received the appointment of master in chancery. Politically Mr. Scholes is a Republican.

Alfred Orendorff was born in Logan county, Illinois, July 29, 1845. He enjoyed the common schools, and subsequently attended the Wesleyan University, and later the military school at Fulton, Illinois. In the spring of 1866 he graduated in the Albany Law School, and spent the succeeding winter in Texas. Returning to Springfield in the autumn of 1867, he engaged in the practice of law in the office of Herndon & Zane; and upon the retirement of Judge Zane from the firm the law partnership of Herndon & Orendorff was formed, and continued for a number of years. June 22, 1870, Mr. Orendorff was united in marriage with Miss Julia Williams, of Springfield. In 1872 Mr. Orendorff was a delegate to the national Democratic convention, and supported Hon. Lyman Trumbull for the presidency. In 1873 he was chosen by the Liberals as candidate for representative to the general assembly of Illinois. The choice being ratified by the Democrats, he was elected, and was made a member of the judiciary committee in that body, and took an active part in framing the revised statutes made necessary by the adoption of the new constitution.

Henry S. Greene was born in Ireland in 1833. At six years of age he crossed the Atlantic, and grew to manhood on the shore of Lake Ontario, in the Dominion of Canada. In 1857 he came to Illinois, read law in the office of Lawrence Weldon, at Clinton, and was admitted to the bar in January, 1860. Having previously arranged to become a law partner with Hon. C. H. Moore, of Clinton, Mr. Greene entered into and remained in that relation six years. In

1860 Mr. Greene associated himself with Mr. D. T. Littler in the practice of law, and upon the dissolution of the firm of Hay & Palmer by the election of the latter to be governor, Hon. Milton Hay became a partner, the firm title changing to Hay, Greene & Littler. This partnership ceased by dissolution January 1, 1881. For a number of years this firm had charge of the legal business of the Wabash Railway Company in this part of the state.

During the last two years of its existence he was retained as counsel for the American Union Telegraph Company in its extensive litigation with the Western Union Company, previous to their consolidation. In view of the great demand upon his time and energies in attending to the legal matters of railroad and other large corporations, he has withdrawn almost entirely, of late years, from general court practice at the bar.

In 1863 Mr. Greene was appointed district attorney for the eighth judicial district, and was subsequently elected to the same position, but resigned to take his seat in the legislature, in 1867, in which he served one regular and two special sessions; and upon moving from the district resigned before the close of his term of office.

In the fall of 1854 Mr. Greene married Miss Elizabeth Hogle. In politics Mr. Greene has always been a Republican.

A. N. J. Crook is a native of Tennessee, but was reared in Indiana. In 1856 he came to Peoria county, Illinois, and from there to Sangamon county in 1862. He spent two years in Pike's Peak, Colorado. After reading law for a time with Herndon & Zane he was admitted to the bar and commenced practice in Springfield. In 1869 he was elected county judge and served four years. He also served as a member of the thirty-second general assembly. He is a staunch Democrat.

James C. Robinson was a native of Edgar county, Illinois, where he was born in 1824. His father, Richard Robinson, was a North Carolinian, and married Sally Dixon, and moved to Clark county, Illinois, in 1820, but removed to Edgar county shortly after. Subsequently he returned to Clark county, where James was brought up and educated. Mr. Robinson read law in Clark county, and was admitted to practice about 1850, and followed his chosen profession in that county until 1869, when he settled in Springfield. Like many other lawyers of a past decade, Mr. Robinson became somewhat of a politician, and in 1858 was elected from the Clark county district, a member of congress. He was re-elected in 1860 and 1862. In 1864 he was placed in nomination by his party, the Democratic, for the office of governor, in opposition to R. J. Oglesby, but was defeated. In 1870 he was nominated for congress from the Springfield district and was elected, and re-elected in 1872.

Soon after his settlement in Springfield Mr. Robinson formed a partnership with A. L. Knapp, and subsequently William L. Shutt was admitted a member of the firm. The firm continued in existence until the death of Mr. Knapp, in the summer of 1881. Soon after this a partnership was effected with John M. and John Mayo Palmer, under the firm name of Palmers, Robinson & Shutt. Mr.

Robinson died in 1886. He was recognized as an excellent jury lawyer, and as a stump speaker had few equals.

James A. Kennedy was born in Pennsylvania in 1833. Soon after his father's death the family moved to St. Louis, Missouri, and he was there reared and educated, completing a course in the St. Louis University in 1852. He read law and was admitted to practice in 1859. He moved to Sangamon county in 1870, and taught the first year as assistant in the city high school, at the close of which he opened a law office; was elected city attorney on the Democratic ticket in 1874; the following year was chosen justice of the peace, was re-elected in 1877, and served till May, 1881. Upon retiring he resumed the practice of law. In 1858 he married Miss Clara Vanderburgt.

Charles Philo Kane has for twenty-seven years practiced his profession in the capital city, with marked success. Here he has spent his entire life, his birth occurring on the 25th of December, 1850. His parents were Andrew J. and Caroline M. (Beers) Kane. For fifty years the father engaged in preaching in central Illinois, as a member of the Christian church, and after a long and useful life passed away November 14, 1896. He was a native of North Carolina, and his wife was born in Sangamon county, Illinois. Her parents, Philo and Martha Beers, were the first white couple married within the present limits of Sangamon county, the date being November 2, 1820. On both sides Mr. Kane is descended from Revolutionary ancestry. His great-grandfather, Zachariah Beers, enlisted three times in Connecticut commands during the war for independence, the first time when only sixteen years of age. The boy soldier attained the rank of orderly sergeant. He afterward became the leading poet of his time in the Connecticut valley and was the author of a number of patriotic songs which were popular during the presidency of Thomas Jefferson. Zachariah Beers was a lineal descendant of Captain Richard Beers, a selectman of Watertown, Massachusetts, who was killed near Northfield, in King Philip's war (Cothren's History of Ancient Woodbury, Connecticut). The grandfather, Philo Beers, was a member of the New York militia at the time of the war of 1812, and took part in the movement to defend Fort Ticonderoga, then threatened by the British, and was a member of the Illinois general assembly during the time Vandalia was the capital of the state.

Charles P. Kane, having spent his entire life in Springfield, was educated in its public schools, and on the completion of the classical course in the high school was graduated in 1868. He entered upon the study of law with Messrs. Hay, Greene & Littler, one of the most distinguished law firms of central Illinois. The senior member of the firm, Milton Hay, was a member of the constitutional convention of 1870, and David T. Littler is the present state senator from Sangamon county. For four years Mr. Kane pursued a thorough course of reading under the guidance of those gentlemen, and in 1871 was admitted to the bar, after which he at once began practice in Springfield, where he has since maintained his residence and office. He was three times elected city attorney at the annual municipal election, filling that office from 1877 until 1880. In 1894 he was elected county judge and filled that office

with marked ability. He has a mind of judicial cast, analytical, logical and unbiased, and these qualities insure faithfulness to the trust reposed in him.

Other public offices he has filled at the will of the people, and in such incumbencies has labored earnestly and effectively for the interests of his constituents. The cause of education in Springfield was advanced during his five years' service on the school board, his progressive spirit supporting all improved and practical methods of mental culture and discipline. He has always been a stanch Republican since casting his first presidential vote, for General Grant, in 1872, and in 1892 was the Republican candidate for congress in the old thirteenth congressional district, making a thorough canvass in all the counties of Sangamon, Christian, Morgan, Menard, Mason and Tazewell. The district, however, has a Democratic majority of over five thousand, and he was defeated by William M. Springer, who represented the thirteenth district for twenty consecutive years.

On the 2d of November, 1881, Mr. Kane was united in marriage, in Springfield, to Miss Flora Britton, a native of Logan county, Illinois, and they have three children, Caroline M., Flora Elizabeth and Philo Beers. Mr. Kane is a member of the Christian church. He belongs to the Chicago Society of the Sons of the American Revolution, and is very prominent in civic societies. He is a Mason, an Odd Fellow and a member of the Order of Red Men, also a charter member of Percival Lodge, No. 262, Knights of Pythias. He was master of St. Paul's Lodge, A. F. & A. M., in 1880; eminent commander of Elwood Commandery, No. 6, K. T., in 1885 and 1886; first chancellor commander of Percival Lodge, No. 262, K. P.; sachem of Inini Council of Red Men in 1897; and grand generalissimo of the grand commandery of Knight Templars of Illinois in 1898. Judge Kane finds his chief pleasure and recreation in books and travel, which are the two main sources of knowledge and culture, neither complete without the other. He has traversed the American continent from Boston to Vancouver's island and visited many of the chief cities of the Union and various points of interest. He is a polished, genial gentleman, who, in the community in which he has always made his home, commands the highest respect and regard of many friends.

John C. Lanphier, second son of Hon. Charles H. Lanphier, was born October 19, 1850, in Springfield; graduate of Springfield high school in 1866. Studied law with Robinson, Knapp & Shutt and with Morrison & Patton. Admitted to the bar July 4, 1871. Practiced in Chicago three years, then returned to Springfield and went into partnership with James W. Patton in January, 1875. Married April 11, 1877, to Miss Susie C. Young, at St. Louis, Missouri.

John C. Snigg was born in New Hampshire in November, 1849; came to Springfield, Illinois, in the fall of 1856. He began reading law in 1871, in the office of Robinson, Knapp & Shutt, and carried newspapers meantime to defray current expenses. Passed his first examination in Michigan, in 1873, and received license to practice law; passed another examination before the supreme court of Illinois in June of the same year, and commenced practice in Springfield. He was elected city attorney in 1875, and re-elected in 1876 and 1877. During the

last term he revised the city ordinances, after thirteen years without revision. In the fall of 1878, Mr. Snigg was elected representative to the legislature on the Democratic ticket, for its thirty-first session.

Robert H. Hazlitt was born in Christian county, Illinois. He had the educational advantages of the Springfield schools and two years' attendance at the State Industrial University, at Champaign, Illinois. He read law in Springfield, and was admitted to the bar March 6, 1873. He served as deputy clerk in the office of the supreme court for a time and in May, 1874, he formed a law partnership with Charles P. Kane, and opened an office for practice. In 1876 Mr. Hazlitt was elected state's attorney for Sangamon county, and re-elected in 1880. He now resides in Kansas.

William L. Gross was born in Fairfield, New York, on the 21st of February, 1839. The family came to Illinois in 1844, and first settled in Canton, Fulton county, and afterward, in 1848, moved upon a farm in Knox county.

At the age of seventeen years, William L. Gross engaged in teaching, and while so employed he prosecuted his law studies. He was admitted to the bar in Springfield on June 27, 1862, and at once entered into practice in that city in copartnership with his brother, Eugene L. Gross. In August, 1862, Mr. Gross entered the service of the government, and in September, 1863, was appointed superintendent of military telegraphs in the department of the Ohio. Immediately following this appointment he was appointed by President Lincoln a captain and assistant quartermaster of volunteers, and was assigned to duty in the department of the Ohio, as military superintendent of telegraphs. In the discharge of this duty he was engaged till Johnston's surrender, when he was transferred to the department of the Gulf, and took control of military telegraphs in that entire department. He was twice brevetted, once as major and afterward as lieutenant colonel, and was honorably discharged in August, 1866.

From that time he was engaged in the civil telegraphic service till February, 1868, when he returned to Springfield and, resuming his business relations with his brother, E. L. Gross, became an active member of the law and law publishing firm of E. L. & W. L. Gross, so well known throughout this state. In 1868 the firm issued the first volume of Gross' Statutes of Illinois, a work accepted by the courts and bar as authority, and specially legalized by an act of the legislature. The following year a second edition was issued, including the laws of 1869; and the firm also issued an index to all the laws of Illinois, a work of great research, minute detail and merit. In 1872 the second volume of Gross' Statutes appeared, and the following year the firm was dissolved, by the retirement of the elder brother on account of ill health. The publications of the firm were continued by the subject of this sketch, and in 1874 appeared the third volume of Gross' Statutes. Of these publications it is not too much to say that they were acceptable alike to the courts, the bar and the people, and will long remain models of their kind.

Mr. Gross was elected representative from Sangamon county to the thirty-first general assembly, upon the Republican ticket, and served during that ses-

sion. In 1864 Mr. Gross was married to Miss Althea Livingstone, of Poughkeepsie, New York.

An autobiography of Hon. John M. Palmer, contributed at our request, appears elsewhere in this work and serves to show his identification with the Sangamon county bar.—The Publishers.

George W. Murray was born at Covington, Ohio, July 7, 1839. He was educated in Dayton and taught school four years before beginning the pursuit of law. He read law in the office of General Moses B. Walker, in Dayton, Ohio, and was admitted in June, 1861, and commenced practice in that city. In 1874 Mr. Murray moved to Springfield, Illinois, and has since been an active member of the Sangamon county bar. In October, 1860, he married Miss Emma Neisbert, of Dayton, Ohio.

Robert W. Maxwell was born in Springfield, December 13, 1845. He read law and graduated in the law department of Michigan University, in March, 1874. In June following he was licensed to practice in the courts of Illinois. In 1875 he went to Decatur and remained over three years in the practice of his profession. Returning to Springfield, he opened an office, and in June, 1879, formed a partnership with Judge Robertson.

George A. Sanders was born in Berkshire county, Massachusetts, July 4, 1836; graduated at Williams College in 1861; came to Illinois; read law in Bloomington, and was admitted to the bar in 1864. He practiced his profession five years in Centralia, Illinois. In 1868 he was chosen one of the electors for General Grant for the presidency. In the winter of 1869-70 Mr. Sanders became assistant state treasurer, which position he filled six years, and then resumed the active law practice, in Springfield. Mr. Sanders is a Republican.

James H. Matheny, Jr., was born in Springfield in 1856, and is the third son of James H. Matheny. He was educated in the city; read law from 1874 to 1876, and was then admitted to the bar. In 1877 he opened an office in Springfield, and has since devoted himself closely to his profession.

Henry A. Stevens was born in Shefford county, Dominion of Canada, July 17, 1847. He was educated in Canada and Vermont. He came to the United States in 1865, to Logansport, Indiana, in 1868, and to Springfield in 1869. The next four years he spent in teaching school and reading law. From 1873 till 1877 he practiced law in Monona county, Iowa, and since that time has been an active member of the Springfield bar. He married Miss Laura Southwick, in Springfield, in 1873.

James E. Dowling was born in Pine Grove, Pennsylvania, in April, 1844. When James was thirteen years old, the family moved to Freeport, Illinois, where he was chiefly educated. After reading law in Freeport, two years, he attended the Albany Law School, New York, where he was graduated May 20, 1864. He located in practice in Petersburg, Illinois, was chosen secretary of the state senate for the session of 1865-6, at the close of which he moved to Athens, Menard county, and there practiced law eleven years. In 1877 he removed to Springfield, where he has been active in the profession since. In politics Mr. Dowling

is Republican. He married Miss Savilia Davis, of Menard county, in October, 1865.

James A. Creighton was born in White county, Illinois. He was graduated from Southern Illinois College, at Salem, in June, 1868; read law with C. A. Beecher, in Fairfield, Illinois, and was admitted to the bar in March, 1870. After practicing law in Fairfield until April, 1877, he located in Springfield, forming a co-partnership with Mr. A. Orendorff. The firm continued until Mr. Creighton was made circuit judge, to which office he has been elected twice since.

George A. Wood was born in January, 1858, in Springfield. Having completed a course in the city schools, he attended the law department of Michigan State University, where he graduated in 1877, and was admitted to practice in that state the same year. He was admitted to the bar of Illinois in 1878, and at once opened a law office in Springfield, where he has since been actively engaged in his profession.

Thomas Sterling was born in Lancaster, Ohio, February 21, 1851. He was graduated in Wesleyan University, in Bloomington, Illinois, in June, 1875. He came to Springfield, June 1, 1877, and entered the law office of Hay, Greene & Littler; was admitted June 11, 1878, and commenced practice of his profession. In April, 1881, Mr. Sterling was elected city attorney on the Republican and Citizens' tickets. He married Miss Anna Dunn, of Bement, Illinois, in October, 1877.

Joseph M. Grout was born near Mechanicsburg, Sangamon county, in 1855. Joseph M. Grout, Sr., was one of the pioneer Presbyterian clergymen in Sangamon county, and died of the cholera in 1855, before the subject of this sketch was born, and his mother died when he was but ten weeks old. He was taken by an uncle to Massachusetts, where the first eight years of his life were passed. Returning to Illinois, he was graduated from Illinois College, in Jacksonville, in the class of 1876; came immediately to Springfield and commenced the study of law in the office of Hay, Greene & Littler; was admitted to the bar in 1878, and in the fall of that year entered into co-partnership with Thomas Sterling. Mr. Grout is Republican in politics. He was united in matrimony with Miss Flora Grubb, of Springfield, in 1879.

William H. Colby.—Almost from the organization of the state, the Illinois bar has taken rank among the most able of the land. Hardly a town of any importance does not boast of at least one lawyer capable of crossing swords in forensic combat with distinguished lawyers of other commonwealths, and the capital city has her share of these eminent followers of the legal profession. Among this number is William Henry Colby, who was born in Orange county, New York, September 14, 1849, but for many years has been a resident of Springfield. His parents, James S. and Anna (Abbott) Colby, were natives of the Empire state, and have long since passed away, the father's death having occurred in 1858, while the mother was called to the home beyond in 1863.

Thus William H. Colby was early left an orphan, dependent upon his own resources. He came to Springfield in the year of his mother's death, and throughout his business career "onward and upward" seems to have been the

motto of his life. Unflagging industry and resolute determination have ever been numbered among his salient characteristics and have led to his success. So desirous of obtaining an education was he that for nine years he worked upon a farm through the summer months in order to gain sufficient money to enable him to pursue his studies in school through the winter season. Within this period of his life he became imbued with a desire to enter the legal profession, and borrowing law books from his friends in the city he pored over them late into the night, and gained considerable knowledge of the fundamental principles of jurisprudence. In 1876 he entered upon a regular course of law study, and though he was not admitted to the bar until January 2, 1878, he practiced in the justice courts in Edinburg, Illinois, and in this unique way, to the surprise of his friends and the public in general, managed to acquire a fair livelihood.

In 1879 Mr. Colby formed a partnership with William F. Herndon, which continued for a year. In 1882 he was elected city attorney, serving in that capacity for one term, and in 1884 he formed a partnership with Hon. Robert L. McGuire, a distinguished member of the Springfield bar, with whom he was associated in practice until 1889, when he was appointed master in chancery by the circuit court. In that capacity he served most acceptably and faithfully for three terms, when, in 1895, he retired and formed a partnership with J. C. Lanphier, which still continues. As city attorney he drew the ordinances and contracts for the first paving laid in Springfield. In the famous Mingle murder case he was assigned by the court as counsel for the defense, and his earnest work and ardent pleas in behalf of his client will ever form a part of the history of the bar at which he practices. His practice, however, is usually in the line of commercial law, and his ability to untangle the intricate problems of civil law gives him precedence of many members of the Springfield bar.

In politics Mr. Colby is a Democrat, fearlessly advocating his political views, and laboring for the interests of his party in every campaign. He began his campaign work during the candidacy of General W. S. Hancock, in 1880, and has since been most active, conducting the canvass in all parts of Illinois and winning many adherents to the cause by his intelligent, logical, earnest and entertaining utterances.

In 1874, two years before he began preparation for the bar, Mr. Colby married Miss Henrietta Cantrill, of Sangamon. Both are members of the Presbyterian church, and Mr. Colby is an exemplary representative of the Masonic fraternity. Such in brief is the history of William Henry Colby, whose career is alike creditable to himself and the bar of which he is a representative. By a continuous devotion to the highest demands of his profession, by an ability equal to the most severe requirements and by an integrity that has never been deflected from the true line of duty, he has won his way to the front rank of Springfield's bar. With some men the law is a trade, but with Mr. Colby it has been a science. Endowed by nature with a sound judgment and an accurate, discriminating mind, he has not feared the laborious attention necessary to equip himself for the various cases that have been entrusted to his care, and at the same time he has ever been guided by a sense of moral right that would never

tolerate the employment of those means which would not bear the most rigid examination and the closest scrutiny. Popular passion has never swayed his judgment; neither personal ambition nor the applause of the hour have ever swerved him from the path of duty, and he has guarded his clients' interests as zealously as his own.

William F. Herndon was born in DeWitt county, Illinois, in 1848; was educated chiefly in Springfield; taught school about ten years; read law in the office of Cullom, Scholes & Mather in 1875 and 1876; was admitted to the bar in January, 1878, and has been in practice in Springfield. In September, 1871, he married Mary H. Bryant, of Sangamon county.

Henry B. Kane was born in Springfield, January 17, 1855. He read law, and in January, 1878, was admitted to the bar. He was elected justice of the peace in 1881. He now resides at Dallas, Texas.

Frank H. Jones was born in Pike county, Illinois, in 1854. He entered Yale College in 1871 and graduated in the class of 1875. Returning to Pike county, he read law one year in Pittsfield, then spent a year in the law department of Columbia College, and a year in the Chicago Law School. He was admitted to the bar in the spring of 1878, and immediately opened an office in Pittsfield, where he remained one year, and then came to Springfield.

John A. Chesnut was born in Kentucky, in January, 1816. He was principally educated in the common schools of Kentucky; read law in the office of P. H. Winchester, Carlinville, Illinois, and was admitted in December, 1837, to practice in the Illinois supreme court, and in 1841 to the United States courts. He practiced in Carlinville from 1837 till 1855, Governor John M. Palmer being his chief competitor. He then abandoned the law, and engaged in the real-estate and banking business in that place, which proved so successful that he retired in a few years with a comfortable competence, and came to Springfield. In 1867 he was made cashier of the Springfield Savings Bank, holding the position till May, 1872. After spending a year in the office of Stuart, Edwards & Brown, he opened a law office and resumed practice in 1879. In the spring of 1881 he was elected justice of the peace. From 1838 to 1850 he filled the office of county clerk in Macoupin county; was three times nominated on the old Whig ticket for the legislature, but the party being in the minority, failed to elect their candidate. He declined the nomination for congress in 1860. Mr. Chesnut was twice married, first to Sarah A. Blair, of Greene county, who died; and in 1854 he married Kate N. Corbett, of Jersey county. Mr. Chesnut died early in January, 1898.

Thomas J. Thompson was born in Philadelphia in 1853. During his childhood his parents moved to Dayton, Ohio, where he attended the public school, after which he took a course in Williams College, Massachusetts, graduating in the class of 1874. He read law in the office of Samuel A. Brown, of Springfield, Ohio. He came to Springfield, Illinois, in December, 1878, and was admitted to the bar in the spring of 1879. He was elected justice in the spring of 1881. Mr. Thompson served as secretary of the Democratic state central committee during the political campaign of 1880.

Winfield S. Collins was born in Champaign county, Ohio, March 30, 1848. In 1855 his parents moved to Johnson county, Iowa, where he labored on the farm till twenty-one years of age, then set about earning means with which to obtain a more complete education. He took a course in Iowa Agricultural College, from which he was graduated in civil engineering in 1876. In the spring of 1877 Mr. Collins came to Springfield, read law with Robert L. McGuire and was admitted to practice in May, 1879. He immediately opened an office in the city, and began the business of his profession.

William A. Vincent is a native of West Virginia, and came to Sangamon county in 1868. He received a literary education in the Ohio Wesleyan University, and graduated from the law department of Columbia College, in May, 1879. Returning to Springfield the same month, he passed an examination before the supreme court of this state, and at once commenced the practice of his profession in Springfield.

Larue Vredenburg was born in Springfield in 1855, graduated from Rutgers College, New Jersey, in 1877; read law in Chicago, and was admitted to the bar in the fall of 1879, and entered active practice in Springfield.

Alexander H. Robertson is a native of Kentucky and a graduate in both the literary and law departments of Transylvania University, in that state. His father was George Robertson, for many years chief justice of the supreme court of Kentucky, and professor in the law department of Transylvania University, and acknowledged as one of the ablest lawyers of his time in that state. In 1853 Alexander H. Robertson came to Illinois and located in Jacksonville, in the practice of his profession. Subsequently he returned to Kentucky, where he remained until 1862, during that time serving as judge of the court of common pleas, of Lexington, to which office he was elected shortly after his return. Coming back to Illinois, he remained for a time and again returned to Kentucky to look after his interests in that state. In 1879 he came to Springfield, and at once became an active member of the Sangamon county bar. Judge Robertson, during the civil war, was a decided Union man, and incurred many of the perils and disadvantages without any of its benefits.

William T. Houston was born in Sangamon county, his parents moving here in 1828. He read law with John B. Jones, of Taylorville, Christian county, and was admitted to the bar in 1878. In the fall of 1880, he came to Springfield and opened an office. He served in the army as a member of the One Hundred and Fourteenth Illinois Infantry.

Albert Salzenstein is a native of Sangamon county. After graduating in the Springfield high school, in 1876, he was assistant clerk of the supreme court about eighteen months, at the same time pursuing the reading of law. He then entered the office of L. F. Hamilton, and continued his studies. He passed examination before the supreme court in July, 1880, but being a minor, he could not be admitted. In September following, he attained his majority, and opened an office in Springfield.

Frank R. Williams is a native of New York, and was educated in Cazenovia Seminary, in that state. He afterward entered the law department of Michigan





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William J. Allen



ing the office of judge of the circuit court, he was elected without opposition to succeed him on the bench. He held that position for two years, but not finding its duties congenial, he refused to become a candidate for re-election, and once more returned to the practice of his profession. In the same year he was elected a member of the constitutional convention, which met in Springfield in January, 1862, and became one of its leaders, serving on the judiciary committee and as chairman on the bill of rights committee. This convention numbered among its members many prominent men, including Purple, Manning, Thornton, Edwards, Duff, Omelveny, Wentworth and the present chief justice of the United States supreme court, Melville W. Fuller. It may here be noted that in 1870 Judge Allen was a member of the convention that drafted the present admirable constitution of Illinois, and took a leading part in the deliberations of that body. He was again on the judiciary committee, and again chairman of the bill of rights, reporting the article giving compensation for property damaged as well as for property taken.

Judge Allen has ever been an ardent Democrat, and during the war of the Rebellion, though always irreconcilably opposed to secession, was persecuted for his political opinions. He spent much time in defending Democratic principles and was a delegate to every Democratic national convention from 1864 until 1888, inclusive. At the Charleston-Baltimore convention of 1860, he was again an ardent supporter of Douglas. He served on the committee on credentials, and took a leading part in settling the Dean Richmond and Fernando Wood contests and others which involved the differences between the Buchanan and Douglas wings of the Democracy in those conventions. In 1876 he was chairman of the Illinois delegation at the St. Louis convention, and it was mainly through his efforts that the Illinois vote went for Mr. Tilden. He has four times been a candidate for congress, on two of which occasions he was elected, and in all of which he outran the usual party vote. With Morrison, Trumbull and Palmer, he has divided the honors of party leadership. No man has been nearer to the people. He believes in and trusts them, and has always been noted for his independence of shifts, shams and affectation.

After the close of the stormy period of the Rebellion Judge Allen resumed the active practice of law, and his practice soon became very large in both the state and federal courts. Corporation, real-estate and criminal law received his attention, and he met with remarkable success. As a criminal lawyer, whether in the prosecution or the defense, he has no equal in his section and never had a superior in the state. In 1874-5, after he had located at Carbondale for the purpose of affording his children the advantages provided by the Southern Normal University, a deadly feud broke out in Williamson county, popularly known as the "vendetta," which for a time paralyzed the law. Murders and assassinations were of weekly and almost daily occurrence. The courage of the friends of law and order seemed to have deserted them. The courts appeared to be powerless. At this critical juncture, Governor Beveridge employed Judge Allen to prosecute the guilty parties, which he did with an ability and fearlessness that carried dismay to criminals. Those who fled the state were pursued and captured; such as

procured change of venue to foreign counties were followed up and convictions secured in every instance. One of the indicted men was hung, about twenty were sentenced to the penitentiary for long terms, and law and order completely restored, and ever since it has been less difficult, perhaps, to convict for crime in Williamson county than in any other county in the state. It was a serious and delicate matter for Judge Allen to engage in these prosecutions, for the parties had been among his strongest political and personal friends, and would have paid him any price to have secured his services in their defense.

In 1886 Judge Allen removed to Springfield, and became the head of the firm of Allen, Brown & Brown. In the capital city he was actively engaged in the practice of law until April, 1887, when he was selected by President Cleveland to succeed Judge Treat, deceased, as United States district judge for the southern district of Illinois. In this position Judge Allen has ever been a model of courtesy, impartiality and firmness. He has won the general respect of the bar, both at Springfield and Chicago, where he frequently sits in the court of appeals, or as one of the judges assigned to circuit-court duty, in disposing of the business of a docket always overcrowded.

Judge Allen was married December 1, 1858, to Miss Annie McKeen, who died August 17, 1892. He has five children, Willis, Miriam, Robert, Louise and John. He has long been a member of the Protestant Episcopal church, is a vestryman at St. Paul's, a member of the standing committee, and president of the board of trustees of the diocese of Springfield.

John S. Schnepf.—By diligence, thoroughness and a deep interest in his profession from the scientific standpoint, John S. Schnepf has won a leading place at the bar of Springfield, Illinois, where he has practiced since the fall of 1890. He was born on a farm about eight miles west of this city, August 25, 1866, and is a son of Diebold and Mary A. Schnepf, both deceased. His ancestors were noted for thrift and industry, and those traits early manifested themselves in our subject. He was reared on the home farm and mastered the branches of knowledge taught in the district schools of the neighborhood, but those by no means satisfied his craving for knowledge, and he eagerly embraced the opportunity of pursuing his education in Concordia College, where he studied Latin and German. He afterward matriculated in the Central Normal College, at Danville, Indiana, where he was graduated about the time he reached his majority. Subsequently he engaged in teaching school for a year, but wishing to enter the broader field of the law, he became a student in the law department of the Illinois Wesleyan University at Bloomington, Illinois, where he was graduated in June, 1890, the degree of LL. B. being conferred on him by Dr. Wilder, then president of that university.

His subsequent career has shown that his choice of a profession was wisely made. He opened an office in the capital city in the fall of 1890, and has succeeded in winning a large and remunerative clientage. He has practiced in both the state and federal courts, and by his ability, his accurate knowledge of law, his courtesy and his strict conformity to professional ethics has won the respect and admiration of the older members of the bar. He has been retained in a large

number of cases of an important character, most notably the damage suits of the boy John Welsch against the Street Car Company, in which his firm secured a handsome verdict for their client, and when the case was carried to the higher courts the verdict was affirmed. Another important case in which his firm won their client's suit was that of Sudduth versus Calhoun. In the case of Lewis Bender versus the Supreme Court of Honor, his firm again obtained a judgment in full for their client, and many other instances might be cited in which he has successfully solved the intricate problems of jurisprudence. He is the local representative of the Union Pacific Railroad Company, which fact alone stands in evidence of his ability. It is a well known fact among the judges that he has more probate and chancery business than any other member of the Springfield bar. On the 1st of July, 1892, he formed a partnership with C. E. Barnes, under the firm name of Schnepf & Barnes, which relationship was terminated in April, 1898, because of Mr. Schnepf's continued ill health.

On the 31st of December, 1890, Mr. Schnepf was united in marriage to Miss Hattie B. Calloway, and they have three children,—two sons and a daughter. Their high social standing is indicated by their large circle of friends, who entertain for them the warmest regard.

Stephen H. Cummins, a member of the Springfield bar, is a native of Sangamon county, Illinois, born March 24, 1862, and is a son of Benjamin and Elizabeth Cummins. He completed his literary education in the high school, and in his school work was always most thorough and proficient. He then determined to engage in teaching, and followed that profession with excellent success from 1880 until 1888, his last position being that of principal of the Iles school, of Springfield. During this period, and especially through the months of vacation, he read law under the direction of General John M. Palmer and of the firm of McGuire & Colby, and as the result of this excellent tuition and his close application was enabled, in 1887, to pass a most creditable examination for admission to the bar.

Mr. Cummins at once opened an office in Springfield, and has since practiced here with splendid success. He has been retained in a number of important cases, most notably the famous Doc. Lawrence case, successfully defending his client against two different charges for murder, in the years 1893 and 1894. This case assumed local prominence, being carefully watched by practitioners throughout the county. He has gained quite a large practice, and in 1897 he was the candidate of his party for the position of state's attorney. While never an office-seeker, he has served as a member of the village board of South Springfield, and discharged his duties in a most faithful and acceptable manner.

On the 12th of November, 1895, Mr. Cummins was united in marriage to Miss Ettie M. Shoop, daughter of Colonel Shoop, who is the only man ever elected to a second term as sheriff of Sangamon county. Mr. Cummins is a man of domestic tastes, and his home is noted for its hospitality. Through his own well directed efforts he has gained success in the business world, and now occupies a very creditable position at the Springfield bar.

J. Otis Humphrey.—Citizenship and its kindred duties should be regarded among the most sacred trusts which come to the American. Each man is responsible in a measure for the weal or woe of the nation, and the greater his influence the more important and binding is the duty which rests upon him. Not our officers or our governmental institutions determine the destiny of the nation, but the ballot, and it is therefore every man's sacred duty to endeavor to secure good government through this power which he holds. For twenty years J. Otis Humphrey has labored as few men have done for the best interests of state and nation. Close study of the issues of the day has made him particularly well informed on political questions, and with a firm belief in the righteousness of Republican principles,—of a sound money, of tariff for the protection of home industries, of reciprocity, of territorial expansion in the interests of liberty and humanity,—he has labored most earnestly and effectually for the adoption of the Republican policy and for the support of the men who stand as the exponents of the Republican platform.

Mr. Humphrey was born in Morgan county, Illinois, December 30, 1850, and is a son of William and Sarah (Stocker) Humphrey, natives of Ohio, whence they removed to Illinois shortly before the birth of our subject. The Humphrey family is of English origin, and at an early period in American history representatives of the name resided in Massachusetts and Rhode Island. The great-grandfather of our subject, Major William Humphrey, won his title while in command of a division of the Fourth Rhode Island Regiment in the war of the Revolution. Reared on a farm until twenty years of age, Mr. Humphrey spent the greater part of that time in Auburn township, Sangamon county, Illinois. Having attended the district schools, he spent two years as a student in the high school in Virden, Macoupin county, and then pursued a five-years academic and collegiate course in Shurtleff College, at Alton, Illinois. Subsequently he engaged in teaching school for two years and then began the study of law in Springfield, under the direction of the firm of Robinson, Knapp & Shutt. In June, 1880, he was admitted to the bar, and in that year served as clerk in the office of John A. Chesnut, supervisor of census for the eighth district of Illinois. Afterward, on the recommendation of Senator Cullom, then governor of Illinois, he entered the office of the railroad and warehouse commissioners as legal clerk, in which capacity he served until January, 1883, when he formed a partnership with Hon. H. S. Greene, one of the most distinguished lawyers of the west. This association has since been maintained, and the firm, throughout its entire existence, has represented the largest and most important interests in the state and federal courts.

In his political affiliations Mr. Humphrey has always been a Republican, and he has taken an active part in campaign work since 1872, at which time he was a student in college. He is a most logical and convincing speaker, and his addresses have been effective in securing many adherents to the party. For more than twenty years the influence which he has exerted has been widely felt, and he is a recognized leader in political circles in Illinois. In 1884 he was a presidential elector, and in 1896 he was a delegate to the national convention

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at St. Louis, where he exercised much influence in controlling the vote Illinois delegation for sound money. For many years he had made study of the money question and was well prepared to meet all argument in favor of a compromise platform. In March, 1895, in an address before the Illinois Republican Press Association, he accurately predicted the issue of the coming national campaign. This was more than a year before the issue was formed and many months before the silver conventions of Illinois. On that occasion he said:

"On the question of national finance you represent a party whose record is all bright, all wise, conservative and honest; for if you ask me the name of the greatest work of the Republican party I would say that, in my judgment, it was not the suppression of the Rebellion; it was not the emancipation of the slave; it was not the reconstruction of the rebel states; not the establishment and maintenance of a protective tariff, but above and beyond all these, as its crowning glory, the place of the financial record of the Republican party. In every vicissitude and in all emergencies it has stood with its face to the front and its finger pointing to the changeless star of duty. The Democratic party would return us to the devious paths of wandering in national finance. Not content with a reduction of the tariff and the imposition of an odious income tax, they wish to return to the old system of state banks and Democratic money. There are a few men in this country who know what that means from actual experience, but most of our voters of to-day have attained their majority since the time of Buchanan, and are ignorant of this lesson must be taught as a matter of history. Here is the important work for Republican papers, describing how this system worked in 1857; how the Democratic money cheated the people, the laborer, the mechanic, the workingman who took his pay in the worthless stuff; how there was constant depreciation from day to day; how this resulted in the publication of books giving daily quotations; how impossible it was to keep up with the rapid fluctuations and how the holder of the note always suffered.

"Over and over again must these facts be presented to the citizen. There is no mystery in this argument. It is simple. It is truthful. It will tell in the end. National finances and the tariff,—the great source of national revenue—are the questions on which the next contest will be waged, and upon your efforts will largely depend the success of the Republican party. Get hold of the voters of the country. Repeat the stories of 'wild-cat' money as only you can do. Make it plain to those who can only know it as a matter of history. Appeal to them as living in the presence of the God that gave this country to us, as living in the presence of the flag for which our fathers and our brothers died, and as they sit about their firesides in the quiet of the home circle, make them understand that the Democratic party has been eternally wrong on these questions in the past; that it is eternally wrong to-day, and conjure them in the great sweet name of common honesty to get right on these important questions which make for the life and prosperity of the nation."

Thus it was that Mr. Humphrey foresaw and foretold the struggle of 1896 and be it said to his credit that he exerted a wide influence in securing the large

Republican victories in this state. In the national convention in St. Louis he was also largely instrumental in securing the nomination of Mr. Hobart for vice-president, and his work in this direction was recognized by the delegation in selecting him to speak for Illinois in seconding the nomination of the vice-president. Long a trusted leader of his party in central Illinois, Mr. Humphrey is ever active and alert in construing events, is unswerving in his loyalty to friends, wise in counsel and accurate in judgment. For four years he has been chairman of the Republican county central committee and has developed an absolute genius as an organizer. His organization was the central one of the seventeenth congressional district, which has always been Democratic. Neither Lincoln, Grant, Yates or Cullom were ever able to carry these counties, but through the marvelous organization of Mr. Humphrey and those associated with him the district was redeemed in 1894 and again carried in 1896 for president, congressmen and most of the county officers.

As a citizen Mr. Humphrey belongs to that representative class who are active, enterprising and energetic in support of all measures or movements calculated to benefit the community, and in Springfield he is very popular, owing to his courteous manner, his genial disposition and his genuine worth. On the 1st of July, 1897, he was appointed United States district attorney for the southern district of Illinois, by President McKinley, and in the discharge of his official duties manifests his marked ability as a lawyer, his comprehensive understanding of the principles of jurisprudence, his keen power of analysis, his careful preparation of cases and his forceful presentation of his cause.

H. Clay Wilson, of Springfield, comes from a state that has long been renowned for the high standing of its bar, and has gained a commendable position at a bar that has also furnished some of the nation's most distinguished representatives of jurisprudence. He is a native of Kentucky, his birth having occurred on a farm in Daviess county, July 2, 1856. His parents, John J. and Sarah (Meeks) Wilson, were also natives of that state, but removed to Indiana in 1858, and in their home H. Clay Wilson spent the days of his minority, attending the district schools in Spencer county, Indiana, where he laid a substantial foundation for a more advanced education. At the age of twenty he entered the Central Normal College, of Danville, Indiana, and was graduated in that institution on the completion of the teacher's and commercial courses.

In August, 1882, Mr. Wilson came to Sangamon county, Illinois, and for seven years thereafter engaged in teaching school. In 1886 he began reading law in the office of Clinton L. Conkling. He devoted his vacations and leisure hours to this pursuit, and in the fall of 1888 was admitted to the bar. Through the succeeding year he continued teaching, and then opened an office for the practice of law in 1890, soon demonstrating his power to handle with skill the intricate problems of civil law. He is inclined to corporation law, yet has a fair practice in civil, probate and chancery business. He is well versed in these different departments, and is continually adding to his knowledge by extensive research into principle and precedent.

On the 7th of August, 1888, Mr. Wilson married Miss Theresa Tyson, and

they have four children, three sons and one daughter. In his social relations he is a Mason, an Odd Fellow, a Knight of Pythias, and a member of the Hamilton Club of Chicago. He is a member of the board of education of Springfield, and has served as its president, his labors in behalf of the schools being most beneficial and progressive. He exercises his right of franchise in support of the men and measures of the Republican party, does all in his power to promote its growth and insure its success, and on that ticket was elected to the thirty-ninth general assembly of Illinois. He is a man of strong mentality, of sound judgment, and in political and professional works shows a thorough mastery of the subject under consideration.

Henry C. Bell, of Springfield, is a native of Clark county, Illinois, born January 5, 1849. His father, Wiley Bell, was a native of North Carolina, and his mother was Sarah E. (Buckner) Bell. The foundation of his education was laid in the district schools of Clark county, whence he went to Westfield, Illinois, spending four years in the college of that place. Later he continued his education in the Normal College at Carbondale, Illinois.

His school life, however, was interrupted by his service in the Union Army, for when only fifteen years of age he responded to his country's call for troops, in October, 1864, enlisting in Company K, Twenty-ninth Indiana Volunteer Infantry, at Terre Haute. He served until December, 1865, when he was honorably discharged at Marietta, Georgia. It is said that he was the youngest soldier of his regiment, and his army record, owing to his extreme youth, is certainly one of which he may be justly proud. He was with Sherman's command until they reached Atlanta, when his regiment was sent back, under General Thomas, to take part in the campaign against General Hood. After receiving an honorable discharge he returned home and resumed his studies, thus preparing for the practical and responsible duties of life. Having determined to adopt the law as his profession, in 1872 he entered the office of John Scholfield and Jacob W. Wilkin, under whose direction he began preparation for the bar. His preceptors were men of marked ability. Both were afterward judges on the supreme bench of Illinois, where they served with honor and credit, both to themselves and their constituents. Judge Scholfield died in April, 1893, but Judge Wilkin is still on the bench.

Mr. Bell was admitted to the bar June 15, 1875, in Mount Vernon, Illinois, and at once opened an office in Marshall, Illinois, where he continued in practice for ten years. Within this time he also served as superintendent of the schools of Clark county, and was city attorney of Marshall. In July, 1885, he was appointed chief of the finance and statistical division of the pension bureau at Washington, D. C., and served in that capacity for four years. From 1889 until 1893, through President Harrison's administration, he was in the criminal section of the law division, and was on the board of review at the pension bureau. So well and ably did he discharge the duties of those positions that in 1893 he was retained in the public service by being appointed deputy commissioner of pensions, by President Cleveland. This office he retained for four years, resigning April 5, 1897, at which time he came to Springfield, where he resumed the

practice of his profession. After twelve years spent in the public service he again took up the active work of the bar with a record for integrity and faithfulness equaled by few and certainly surpassed by none,—a record that commends him to those who wish aid in the legal settlement of their affairs.

In politics, as may be inferred, Mr. Bell is a Democrat, and in every national campaign since 1872 he has taken an active part, speaking under the control of national and state committees in Illinois, Indiana, Ohio, West Virginia, Virginia, Maryland, Delaware and New York, and wielding an influence in keeping with the vigor and style of the man. His work as an orator and campaign speaker has been noticed and noted by the most prominent politicians throughout the country. He is regarded by those who know and have heard him on the rostrum and at the bar as one of the most eloquent, logical, infusive and convincing public speakers in the country. Fearless in war, he has been likewise so in peace, for he was one of the two presidential appointees located in Washington who dared to make speeches in support of Bryan in the campaign of 1896, despite the threats of President Cleveland to dismiss him if he did so.

On his retirement from office he located permanently in Springfield and has become a valuable member of the Springfield bar, where the power of his work will be felt as potently as in his old home. He was admitted to practice before the United States supreme court, April 5, 1897, on motion of Hon. W. J. Bryan, late Democratic candidate for president. Already he has won a liberal clientage in his new home, and his legal talents have gained him high standing among the practitioners of the Springfield bar.

In July, 1875, Mr. Bell was united in marriage to Miss Stella Wilhite, of Hutsonville, Illinois, and to them have been born two children: Edna and Roscoe C. Throughout his career Mr. Bell has conformed most strictly to the ethics of professional life, and the most envious cannot grudge him success, so well has he earned it. His history, like that of others who began life in modest circumstances and by honesty, industry and upright conduct attained eminence in a chosen calling, illustrates most forcibly what perseverance and resolution may accomplish in a country where all avenues are open and where exertion is untrammelled.

Charles E. Selby has practiced at the bar of Springfield for ten years, and has controlled a fair share of the legal business of the capital city and vicinity. He was born in Lancaster, Ohio, on the 7th of October, 1855, and is a son of Samuel and Catharine M. (Fadden) Selby, who also were natives of Ohio. In his early youth he worked on a farm through the summer months, and in the winter season attended the common schools. Later he continued his education in the Danville Normal School, at Danville, Indiana, and for eight years successfully engaged in school teaching. He has been a resident of Sangamon county since 1875, and since 1888 has practiced at the bar of Springfield. He read law in the office of Conkling & Grout, and upon his admission to the bar entered at once upon the prosecution of his chosen profession, in which he has gained high standing and won a comfortable competence. In 1892 he formed a partnership with Samuel D. Scholes for general practice, and the association

has since been maintained. They have won a good clientage, and through their earnest labors, close application and diligence they are meeting with that success which is ever the reward of industry.

In his political affiliations Mr. Selby is a stalwart Republican, unfaltering in support of his party, and since 1880 he has been an active worker in its behalf. In 1892 he received the nomination for state's attorney; in 1894 he was elected to the legislature, and in 1896 was re-elected,—the first time in the history of the county that a Republican has served for two successive terms. He has been one of the most prominent and influential members of the house, both in committee work and on the floor. He was chairman of the committee on judicial department and practice during the first term, and his recognized ability as a lawyer enabled him to handle in a most capable manner the important questions which came up for settlement. On other very important committees he served in a most creditable manner, was active in securing the location of the supreme court at Springfield, and lent his aid and co-operation to every effort put forth for the general good. His popularity is shown by the fact that in the second term he was a very close candidate for speaker, receiving a large support. He was chosen chairman of the steering and revenue committees, and upon the legislation of those two sessions he left the impress of his strong individuality. He was very active in support of Senators Cullom and Mason, and nominated the former for the United States senate in the following words:

"Mr. Speaker: A few months ago the great common people of our state knocked at the door of the Republican party and demanded that we should return to the United States senate a man who stood for protection, prosperity and patriotism; a man who believed, taught and upheld such national principles as would develop American interests, feed and clothe American workmen, give us a sound and safe American dollar, and last, but not least, protect and defend American defenders. The battle has been fought, the storm has ceased and we are now bathing in the sunlight of exalted success. We are now ready to deliver. Therefore, in the name of the silent wheels and spindles, the smokeless chimneys and deserted workshops, waiting to be touched by the magic wand of prosperity; in the name of the state of Illinois, with her mighty commercial and industrial interests; in the name of that party which has achieved so much for the advancement of human liberty and civil equality, I now here, and once and for all, cast the senatorial mantle upon the shoulders of Shelby M. Cullom."

In 1881 Mr. Selby married Miss Annie Miller, of Sangamon county, and they have a son and two daughters. Socially he is connected with the Masonic fraternity, the Knights of Pythias and the Independent Order of Odd Fellows. Widely known and honored in professional, political and social circles, he well deserves mention in the history of the bench and bar of Illinois.

Major Bluford Wilson, an honored citizen of Springfield, needs no introduction to the general public, for his distinguished services in behalf of the preservation of the Union during the civil war, and his no less meritorious services as an employe of the government in Washington a score or more years ago, brought his name into prominence. From both sides of his family he derived

stanch principles of patriotism, honor and justice, and has worthily carried them into his every-day life.

In tracing the history of the Major it is found that he is a native of Illinois, his birth having occurred in Shawneetown, November 30, 1841. His parents were Harrison and Catherine Wilson, the latter a native of Alsace, France, from which country she came to America, in the early part of this century. with her father. Harrison Wilson was an ensign in the service of the United States during the war of 1812 and was captain of One Spy Battalion in the Black Hawk war.

Major Wilson, after finishing his public school education, entered McKendree College and later was a student in the University of Michigan until 1862, when his youthful patriotism could no longer be kept in check, and he enlisted in the One Hundred and Twentieth Illinois Volunteer Infantry. He was placed in the company commanded by Captain P. B. Pillow, and was made an adjutant. In May, 1863, he became assistant adjutant general on the staff of Brigadier General Michael N. Lawler, and served also on the staffs of Generals Dana and Eugene A. Carr. He was brevetted major, for gallant conduct, and continued to serve until the close of the war. His brother, General James H. Wilson, a graduate of West Point, was one of the celebrated officers of the war and was a distinguished member of General Grant's staff. Another brother, Major Henry S. Wilson, distinguished himself as an officer in the Eighteenth Illinois Volunteer Infantry.

Having seen the triumph of the stars and stripes under which banner he had nobly fought, Major Wilson returned to the peaceful vocations of life. He resumed his legal studies, and was admitted to the bar, in Shawneetown, in 1867. Always active in the Republican party, he was appointed district attorney by President Grant in 1869, and held the office until after the re-election of the great general, who then gave the young man the position of solicitor of the treasury. There the Major made a splendid record, being the main support of General B. H. Bristow, secretary of the treasury, in the famous war against the "Whisky Ring." In this connection it may be of interest to introduce a copy of a letter which was written to the Major at the time of his resignation of his position as solicitor.

Washington, D. C., June 20, 1876.

My Dear Wilson:

I cannot take leave of the treasury department without expressing to you my great gratitude for the earnest and able support you have given me throughout my term of service. Whatever has been accomplished in the direction of enforcing law and bringing to merited punishment those who for a considerable time had plundered the public revenue and debauched the public service, is due more to your courageous, able and efficient conduct than to any effort of my own. The government owes you more than it is likely to pay.

I beg you to be assured that I carry with me into private life the most grateful remembrance of the fidelity, zeal and capacity with which you have met all your official duties and obligations, as well as the uniform kindness and friendship extended to me during our official relations. May heaven bless and prosper you in all your undertakings.

Sincerely and gratefully your friend,

Hon. Bluford Wilson,
Solicitor of the Treasury.

B. H. BRISTOW.

From Washington the Major returned to Springfield, where he has since been actively engaged in the general practice of law, chiefly before the United States courts. He is now a member of the firm of Wilson & Warren, the junior partner being his son-in-law, Philip Barton Warren, a promising young lawyer. July 3, 1865, the Major married Miss Alice Warren Mather, in Louisville, Kentucky, and four children came to grace their union.

John F. Armstrong, of Springfield, was born in Christian county, Illinois, November 13, 1861, and is a son of Thomas D. and Rebecca (Woosley) Armstrong. His literary education was completed by study in the high schools of Bloomington and Taylorville, and thus with a good general knowledge to serve as the foundation for professional learning he began preparation for the bar. With a keen appreciation of the science of law and the lofty purpose which it should serve in the protection of right, life, liberty and property, in 1886 he began a course of reading in the office of Conkling & Grout, two distinguished attorneys of Springfield, who directed his studies until 1888, when he was admitted to the bar, passing a most creditable examination.

Mr. Armstrong at once began practice in the city of his adoption, where he has since remained, winning a large clientage as the years have passed, and he has demonstrated his ability by the successful conduct of some very important cases. He was appointed assistant to Major James A. Connolly, United States district attorney, and served from 1891 until 1893 under a Republican administration, but has since allied himself with the Democratic party and gave Wm. J. Bryan his hearty support in 1896, and is still strongly allied with that party. He has served on municipal and county committees on numerous occasions, and has labored earnestly while on such committees to advance the interests of his party. No outside interest, however, is allowed to take needed time from his professional duties. His fidelity to his clients' interests is most marked, and in the trial of important cases he has shown ability of high order, keen analytical power and skillful presentation of his cause. He has been associated to a considerable extent with General John M. Palmer, who regards him as one of the rising members of the Springfield bar.

James A. Connolly.—While "the race is not always to the swift nor the battle to the strong," the invariable law of destiny accords to tireless energy, industry and ability a successful career. The truth of this assertion is abundantly verified in the life of Major Connolly.

James Austin Connolly was born in Newark, New Jersey, March 8, 1842. His parents, William and Margaret (Maguire) Connolly, both natives of Ireland, emigrated to Canada, with their parents, in childhood, and later drifted to Newark, New Jersey, where they formed each other's acquaintance and were married.

James attended a private school in Newark until he was eight years of age, when he accompanied his parents to Morrow county, in central Ohio, where his father purchased a farm. Four years later William Connolly moved to the neighboring town of Chesterville, and resumed the occupation of tanner and currier, a pursuit which he had previously followed in Newark. During the

four years in which his father operated the farm. James, during the first half of that time, aided him in such work as his age and strength would permit, and during the latter two years he was employed as a clerk in a store at Chesterville. He thereafter attended the Chesterville union school, then the high school, and later the Selby Academy, at Chesterville, where he was graduated in the classical course, in 1858. During the last two years which he attended the academy he kept books in the store where he had previously been employed as clerk, and thus partially paid his tuition.

He decided to make the study and practice of law his life work and began to read law under the direction of Judge A. K. Dunn, of Mount Gilead, Ohio. In the meantime, 1858-9, he taught school. In the fall of the latter year he was admitted to the bar, and after retiring from the position of second assistant clerk of the Ohio senate, which he filled in the winter of 1859-60, he entered upon the practice of his profession as a partner of his preceptor, Judge Dunn, at Mount Gilead, Ohio.

Being young and ambitious and, after investigation, concluding that in the newer state of Illinois he could find better opportunities to advance, he, in the fall of 1860, located in that state, at Charleston, where he began to practice law.

In June, 1862, he enlisted in the ranks, and upon the organization of Company C, One Hundred and Twenty-third Regiment of Illinois Volunteer Infantry, he was elected captain, and upon the organization of that regiment was elected its major. The regiment joined the Army of the Cumberland and was active in all its campaigns till after the fall of Atlanta, when he was transferred to Sherman's army and marched with him to the sea, and thence to Washington and took part in the grand review.

Major Connolly's career as a soldier was full of adventures, and a full description thereof would of itself fill a large volume. He entered a daily record of all important events in a journal or diary which he still has in his possession. A perusal of this diary would doubtless be of deep interest to all, and it is hoped that the Major will be persuaded to assent to the publication thereof, although he has repeatedly been requested to do so and has thus far failed to give the required consent. His military record is very creditable, proving him to be a brave and fearless soldier, and the following incidents will illustrate his bravery:

At the battle of Milton, Tennessee, while leading his regiment in the heat of the fight, the collar of his overcoat, coat and shirt and the pommel of his saddle were shot away by minie balls. He was knocked to the ground apparently senseless, but conscious of the fact that the remark "The Major's killed" was passed along the line. He remembers that the sole thought in his mind then was: "The boys are fooled." At Bentonville, North Carolina, he was struck by a bullet on the plate of his sword-belt, right over his stomach. At Missionary Ridge a shell exploded directly over his head and frightened his horse, which gave a leap, and burst the saddle girth, and threw him to the ground. He was assisted to his horse and without a saddle girth rode to the top of the ridge.

Immediately after the battle of Chickamauga Major Connolly was detailed by General Thomas as inspector of General Baird's division of the Fourteenth



Mrs. Henry





James A. Connolly



Army Corps, and continued to serve in that capacity until the close of the war, and was with it at the grand review.

When the fourteenth Army Corps was approaching Savannah it was necessary to march over a causeway through the Ebenezer swamps. Major Connolly was with the rear guard of the corps, which was hard pressed by Wheeler's cavalry. Near midnight the Major and his followers arrived at a bridge which spanned the Ebenezer creek, and there found the provost marshal of the Fourteenth Army Corps, which was then commanded by General Jeff. C. Davis, guarding the bridge and preventing negroes, thousands of whom were hid in the swamp, from crossing the bridge and following the troops. Replying to Major Connolly's inquiry, the provost marshal informed him that he was obeying his superior's orders. Major Connolly then told him that as it was then late he and his company could then retire to headquarters, and that he would relieve him. After the provost marshal retired the Major permitted the negroes to flock over the bridge, and thus saved them from capture and severe punishment and perhaps death by Wheeler's cavalry. The action of Major Connolly was commended, and the incident nearly cost General Davis his promotion. Major Connolly was brevetted lieutenant colonel of volunteers for gallantry on the field at Bentonville, North Carolina.

After the close of the war Major Connolly returned to Charleston and re-engaged in practice, continuing there until 1876, when President Grant appointed him United States attorney for the southern district of Illinois. In 1880 he was reappointed by President Hayes, and in 1884 was again appointed, by President Arthur. In 1885 he was removed by President Cleveland "for offensive partisanship," but in 1889 was again appointed to the position by President Harrison, and served until April, 1894, when he resigned.

Politically Major Connolly has always been a steadfast adherent to the principles of the Republican party, and from 1876 to the present time has always taken an active part in the campaigns of that party, canvassing every section of the state and visiting nearly every county. He has vigorously advocated the cause of Republicanism. In 1872 he was elected to the legislature from Coles county, and was re-elected in 1874. In 1886, while mayor of the city of Charleston, he was the opponent of ex-Congressman William Springer, and carried Morgan and Sangamon counties, but was defeated by a majority of nine hundred, his popularity having reduced to that amount the usual Democratic majority of four thousand. He was again nominated for congress in 1888, but declined to become a candidate. In 1894 he accepted the nomination, and defeated Springer by a majority of two thousand nine hundred and forty. In 1896 he was again elected to congress from the same district, but declined a nomination in 1898.

In 1888 he was a candidate for the nomination of governor, and received one hundred votes in the convention. While serving as United States attorney in 1884 he was appointed solicitor of the treasury by President Arthur, and confirmed by the senate, but he declined the appointment, preferring to devote himself to his profession.

In 1886 Major Connolly moved to Springfield, where he has since made his home. He formed a partnership with Mr. Mather, and, in addition to his official duties practices his profession. He has been engaged in much of the more important class of litigation in this section of the state, and as United States attorney participated in many actions that attracted a large amount of attention. He prosecuted the "whisky ring" without any special assistance, and was one of the very few United States attorneys who did not call for special assistants in similar cases of litigation.

Major Connolly has become interested financially in several profitable corporations. He assisted in the organization of the Illinois National Bank, and has been a member of its board of directors since its organization. He is also interested in the Bain Manufacturing Company, of Charleston, Illinois. He is a member of the Grand Army of the Republic, and for eight years previous to 1895 acted as judge advocate of the department of Illinois. He is also a member of the Loyal Legion, and is a Mason and Knight Templar.

Major Connolly's life has been a success. His entire career is illustrative of the fact that certain actions are followed by certain results. As a lawyer he has few peers in this section of the state; as a soldier he displayed bravery, sagacity and true patriotism; as a public official his actions have been above reproach or criticism; and as a citizen he is an illustration of a high type of our American manhood.

He was married in 1863 to Miss Mary Dunn, sister of Judge Dunn, of Mount Gilead, Ohio, with whom Major Connolly studied law. Major and Mrs. Connolly are attendants of the Presbyterian church.

James M. Graham, a well known citizen and member of the bar of Springfield, has led a very busy, enterprising life, and, being very popular with his acquaintances and friends, has been called upon several times to occupy positions of responsibility and public trust. From a political standpoint he has been especially active and zealous, working earnestly for the success of the Democratic party in every campaign, often going to distant parts of the state, when necessary, in order that the cause should not suffer for want of an earnest advocate.

Mr. Graham is a native of Ireland, his birth having occurred April 14, 1853. His parents, Hugh and Sarah (McMahon) Graham, were likewise born and brought up in the Emerald Isle. He came to the United States in 1867. James M. was given good educational advantages, having studied in the common schools, the Northern Indiana Normal School, at Valparaiso, Indiana, and in the Illinois State University, at Champaign. Having thus fitted himself as a teacher, he engaged in that line of work, and for some seven years he successfully taught in the schools of Champaign county.

While giving his chief attention to teaching, Mr. Graham spent some of his leisure in the study of law, and was finally admitted to the bar upon his application for an examination, in 1885. Three years before that time he had removed to Macon county, and in 1884 was elected to the legislature from the twenty-ninth district, including Macon and Logan counties, and served efficiently for one term. Concluding to remain in Springfield, Mr. Graham opened an office on the

south side of the square, and in 1886 he became a partner of S. D. Scholes, the firm style being Scholes & Graham. He soon won an enviable reputation as a lawyer and his patronage has steadily increased in the importance as well as in the number of the cases placed in his hands. In 1892 he was elected state's attorney for Sangamon county, the majority of votes cast for him being about eighteen hundred. He served most acceptably for the term of four years, at the end of which period he settled down to practice again as an attorney, as senior member of the firm of Graham & Miller.

He served for several years as a member of the school board of Springfield and always favored a policy of liberal treatment for teachers and the widest and best possible advantages for the children.

In August, 1876, Mr. Graham married Miss Kate Wallace, a resident of Champaign county. Seven children have been born to them, all of whom are now living. Hugh, the eldest, is a member of the class of 1900 in the Illinois University. They are adherents of the Catholic church.

Edward Delavan Henry is numbered among the rising young members of the Springfield bar. He comes from New England ancestry and has inherited, from a long line of honorable, upright sires, not only high moral principles but the qualities which insure success in business, as well. He possesses genius and native talent, and to his chosen field of labor brings a love for the work and a thorough knowledge of its principles. For the past seven years he has had an office in Springfield, and during this time has won the regard of his professional brethren and all with whom he has come into business relations.

Our subject's father, Levi H. Henry, was a native of Littleton, New Hampshire, and passed his early manhood there. In 1852 he started westward, driving a team all the distance to Illinois, and bringing with him an invalid brother, who, though he knew he had not long to live, strongly desired to die on Illinois soil. Levi H. Henry became one of the wealthy and influential citizens of Talkington township, Sangamon county, Illinois, owning a large farm there and having extensive banking interests in the town of Waverly. Loved and respected by all who knew him, his death, in 1897, was felt to be a public loss.

Edward D. Henry is proud of the fact that he is one of Illinois' own sons, he having been born in Auburn, January 17, 1864. He attended the country schools in his home neighborhood and later was a student in the high school at Waverly. Subsequently, he was enrolled as a pupil in the Wesleyan University, at Bloomington, and was graduated in the Latin-scientific course in 1889. Soon afterward he began teaching school, in which line of endeavor he met with the success which he deserved, as he was faithful and earnest in the least as well as the greatest of his duties. In the evenings, and whenever else he had leisure, he studied law, and he was aided in his work along this line by the firm of Orendorff & Patton. Admitted to the bar in 1891, he at once engaged in practice, establishing himself in business in Springfield. His assiduous labors and earnestness of purpose have wrought out for him the success which he merits, and his practice is constantly growing in importance and extent.

Mr. Henry is identified with the First Congregational church of Spring-

field, and gives it his moral and financial support. He is a Master Mason, belonging to St. Paul's Lodge No. 500, A. F. & A. M., of this city. A firm believer in the temperance cause, he feels it the duty of the state and government to legislate upon the question, and therefore gives his political allegiance to the Prohibition party, though he is not bigoted and has never been wanting in regard for the opinions of others.

September 22, 1888, Mr. Henry married Miss Luella M. Taylor, whose home was then near Chatham, Illinois. They have a little son and daughter, who brighten by their presence the pretty and hospitable home of the family.

James William Patton sixteen years ago began the prosperous business connection which still exists between him and L. F. Hamilton, and during the intervening years they have built up a splendid reputation for legal enterprise and skill in the management of all cases entrusted to them. The present firm includes the son of J. W. Patton, namely, William Lanphier Patton, a young man possessing undoubted talent and certain to achieve as great success as his father has done in his chosen vocation.

A native of Illinois, James William Patton was born in Sangamon county on a farm, February 15, 1840. His parents, William May and Elizabeth (Moore) Patton, were both natives of Kentucky and were honest, industrious agriculturists. The father died in 1848, when our subject was but eight years old, and thus upon his devoted mother devolved the whole care and responsibility of bringing up her little family and at the same time supervising the management of the homestead.

As soon as he was old enough to render his mother material assistance, and indeed before that time arrived, James W. Patton manfully shouldered a portion of the burdens that weighed her down, and she came to rely upon him more and more. His common-school education was supplemented by a three-years course at Berean College, Jacksonville, Illinois, and subsequent to his leaving that institution he taught school successfully for three years in Sangamon county. During this period he was always at home on the farm summers, when the press of work was hardest, and thus the years rapidly rolled away bringing him to his majority.

The year 1861 saw him entering upon the pathway he has followed for so many years,—that of the law. In the early part of the year he became a student in the office of Hay & Cullom, and two years later he was admitted to the bar. He did not begin practice immediately but engaged in merchandising in company with his brother Matthew at Auburn, Illinois, up to the close of 1865. The next year saw him safely started upon his professional career, which has been filled with material success. He was alone for two years and then became a partner of C. M. Morrison, who was then state's attorney of Sangamon county. They continued together up to the year 1875, when death severed their pleasant business relations. Mr. Patton soon afterward became a partner of John C. Lanphier, and in February, 1882, the present partnership with Mr. Hamilton was entered into, and in 1894 was reinforced by the admission to it of William L. Patton. His professional career has been eminently successful. He

has had charge of, and participated in, many of the most important cases that have been litigated in the courts of this state since his admission to the bar. He has devoted his time and energies to his profession, and while his views upon political questions are pronounced, he has of late taken no active part in politics. In 1868 he was elected to the Illinois legislature to represent Sangamon and Logan counties and served for one term very acceptably. He has always been interested in the prosperity of the Democratic party, and in 1892 he was a delegate to the national convention which nominated Cleveland.

The marriage of James William Patton and Miss Francine Elizabeth Lanphier of Springfield, was solemnized in this city December 8, 1869. Her father, Charles H. Lanphier, was for many years editor and proprietor of the Illinois State Register.

CHAPTER XI.

COMPILATIONS AND REVISIONS OF THE LAWS OF ILLINOIS.

PRIOR to the organization of Illinois territory, and while it formed part of Indiana, John Rice Jones and John Johnson had attempted a revision of the laws in force at that time in the territory. The volume was published by Stout & Smoot, printers to the territory of Indiana.

It comprised the laws in force in the territory of Indiana and the acts passed at the first session of the second general assembly of the territory, 16th of August, 1807. "Very many sections of this old book will be instantly recognized as a part of the law as it is in force to-day, and sometimes whole passages appear, almost word for word as we have them now. This revision was made in pursuance of a resolution passed at a former session of the territorial legislature, and the volume closes with an act which declares all former acts repealed, except as therein revised and re-enacted." (Gross' Index to Laws, page 8.)

The second revision of the laws was by Nathaniel Pope. He was secretary of the territory and for some time exercised the powers of governor. Mr. Pope's commission as secretary of the territory bears date of the 7th of March, 1809, and that of Mr. Edwards, the governor, of the 24th of April, 1809. The territory was duly organized by Nathaniel Pope, acting as governor, on the 28th of April, 1809.

One peculiarity in the acts creating Indiana and Illinois territories was that they made it the right of the people to enter into the organization of a territory of the second class, without regard to the number of the inhabitants. The provision of the statute is: "Whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of the majority of the free-holders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years or upwards."

The governor of Illinois territory, preferring the evidence of the popular will be afforded by an election, issued a proclamation for an election to be held in the different settlements to ascertain whether a majority were in favor of a legislative government, and such being the decision of the people, as expressed at the polls, he issued another proclamation, dated September 14, 1812, ordering an election to be held on the 8th, 9th and 10th days of October, 1812, to choose one delegate to congress and members of the two houses of the legislature. "The laws which were passed at that and the succeeding sessions were not collected until 1815: * * * On the 4th of July, of that year, Matthew Duncan, printer to the territory, issued from his office in Kaskaskia the revision of Nathaniel Pope in two volumes; it contained a copious and careful index. * * * The similarity of this book to the present statutes is much more



MELVILLE W. FULLER.
JOHN W. SHOWALTER,

STEPHEN A. DOUGLAS.

RICHARD J. OGLESBY.
JOHN A. LOGAN.



striking than in Jones' revision. The entire plan and arrangement of the statutes of Illinois, taken as a whole, remain at this moment in the shape Judge Pope impressed upon them."

An attempt was made in 1819 to revise the laws of the state, and in 1827, certain chapters, relating to some important subjects, were rewritten and improved. In 1829 a volume of statutes was published by Alexander F. Grant & Company, of Shawneetown, Illinois. It was entitled "The Revised Code of Laws of Illinois," containing those of a general and permanent nature, passed by the sixth general assembly at their session, held at Vandalia, commencing on the first Monday of December, 1828, and those enacted previous thereto, and ordered by the said general assembly to be republished. This volume contains many titles and gives the date of the approval of the laws therein published. Like the volumes, entitled "Revised Statutes," published in 1827 and 1833, it has but little claim to be regarded as a revision of the statutes. The so-called revision of 1833 adopted the arrangement of its predecessors.

In 1844 Mason Brayman, Esq., a scholarly lawyer from Buffalo, New York, undertook a revision of the statutes of Illinois. Mr. Brayman commenced his work, as a private enterprise, in April, 1844. On the meeting of the legislature the subject of a careful revision of the statutes was brought to the attention of the legislature, by Governor Ford, and certain resolutions were passed by the house of representatives and concurred in by the senate, on the 18th day of January, 1845.

Mr. Brayman's preface to the volume of the revision of 1845 is specially interesting in its description of the origin of the statutes, and the confused state of the law. He said: "It was to be expected that the early enactments which proceeded first from the territories, then from the state governments, would be crude, imperfect and inharmonious. They were not adopted together, as a distinct body of statute law, nor with any view to their connection or consistency with each other; but hastily produced at different times and places, in obedience to the ever varying wants and circumstances of an unsettled, scattered, and heterogeneous population. * * * We may readily conclude that they found but little leisure for the business of legislation and they made their laws as they made their log cabins, their roads and bridges, as they needed them for their shelter and protection."

He paid a tribute to the sagacity, legal ability and just views of the "Fathers," by saying: "Many of those laws, enacted under circumstances so disadvantageous, during the early history of our legislation, particularly those concerning rights to real estate and the administration of the penal code, stand almost untouched by the hand of innovation. * * * Amidst the vicious superabundance of legislation in more recent times some respect has been paid to the stern wisdom of the past, and it may be said, without offense, that greater progress has been made in manufacturing than in perfecting laws for the government of the state. * * * The same habit of passing laws to meet special cases and to obviate present inconveniences, which obtained through necessity, has never been wholly shaken off, and one cannot but feel surprise at the great

number of acts which are forced at every session, at the suggestion of individual interests or to serve purposes of temporary expediency, without reference to, and often at the sacrifice of, the public good.

"Laws which when adopted were complete and covered the entire subject to which they related, have become buried under an accumulated mass of distinct, amendatory acts by which they have been partially repealed, some of their provisions superseded, changed, and are subject to new constructions. The same identical matters have been passed upon in laws enacted at different times, until, comparing one with another, sections have become interwoven, involved and contradictory, rendering it impossible to ascertain without judicial construction the real intention of the legislature. Scarcely a single act as originally passed remained untouched, and to ascertain what was really the law upon any particular point it became indispensable for the legal enquirer to travel over the whole labyrinth of past legislation, without even the aid, in most cases, of intelligible indexes to the volumes in which the laws were to be found.

"Such a state of things could not but be productive of serious confusion. Magistrates and others charged with the administration of justice found it difficult to extract the existing law from the mass of rubbish with which it was encumbered, and were often led into erroneous judgments and vexatious delays, and a round of expensive litigation for their correction. Each succeeding legislature seems to have proceeded to the enactment of the assigned number and quality of acts upon the topics usually presented for its action, without reference to what its predecessors had done upon the same subject, until at the present time the laws by which we are governed lie in broken and unseemly fragments along the course of our legislative history, no more resembling that uniform, harmonious, energetic system of statute law which should stand prominent among the institutions of a civilized state, than do the collections of fugitive shells which the successive waves of the ocean have cast upon its shore, the most perfect specimens of architectural symmetry and strength."

The legislature of the state recognized the effort of Mr. Brayman to revise the laws of the state, and passed a concurrent resolution authorizing him to proceed and to complete his said revision and compilation of the laws of this state as speedily as possible, upon the plan adopted, as specified in his communication to the governor, and it was further resolved that "the said work be done under the joint direction and supervision of the judiciary committees of the senate and house of representatives, to whom it shall be submitted as rapidly as the chapters thereof are in readiness."

It was further resolved that said "joint committee, or a sub-committee which such joint committee may appoint from their own number, shall diligently examine and compare the same and cause to be made such corrections and alterations as they shall deem necessary to render such laws full, perfect and consistent, and so to reduce the statute laws of the state of a general nature to a compact code, conveniently divided into chapters and sections, and arranged in alphabetical order; and it shall be the duty of the reviser to insert appropriately in

the work such alterations and amendments as such committee shall suggest, not inconsistent with the spirit and meaning of the law."

It was also resolved that "all acts of a general nature passed, or to be passed, at the present session of the general assembly shall be incorporated in such revision, to be inserted in the several chapters thereof to which such acts or their several parts belong."

The judiciary committee of the senate was composed of Alfred W. Cavarly, of Greene; John Dougherty, of Union; Jacob Davis, of Hancock; Ferris Forman, of Fayette; Edward B. Webb, of White; Willis Allen, of Williamson, and Charles H. Constable, of Clark counties. The committee of the house comprised Julius Manning, of Peoria; Kirby Benedict, of Macon; Stephen T. Logan, of Sangamon; Eldridge S. Janney, of Crawford; Newton D. Strong, of Madison; Richard Yates, of Morgan; W. P. Boyakin, of Marion; Peter Lott, of Adams, and William D. Ewing, of Fayette counties.

The committee appointed a sub-committee of their own number, but their work did not fully realize the expectations of the legislature. The revision did make the law "plain and intelligible, * * * and did prune away excrescences, reconcile contradictions, and arrange in convenient order all the statutes as were in force at the time."

The older lawyers will remember with satisfaction the publication of the "Braminical Code," which afforded them reliable and convenient access to the statutes of the state.

The revision of 1845, and the laws passed at subsequent sessions of the legislature, were everywhere consulted. The state published, and distributed among the public officers who were required to know and enforce the laws, an edition of ten thousand copies. Judge Norman H. Purple, at one time justice of the supreme court, published a compilation of the statutes in force in 1856. Two years later, D. B. Cooke & Company published a compilation of the statutes. It appeared in the names of Samuel H. Treat, Walter B. Scates, and Robert S. Blackwell, as the compilers. Judge Scates did the principal part of the work.

In 1868 the first edition of Gross' Statutes appeared. It was a compilation of the statutes preserving the titles and chapters as in the revision of 1845, with the amendments made to the several chapters. Judge Purple in 1849 had published a volume entitled "The Real Estate Statutes of Illinois." It contained a compilation of all the laws which related to titles to real estate, and of those by which titles to land could be affected.

The twenty-sixth general assembly, by an act approved March 8, 1869, provided for the appointment of three commissioners, one from each grand division of the state, to revise and rewrite the general statutes of the state. To this commission Governor Palmer, who regarded such revision as eminently necessary, appointed Michael Schaeffer, of Marion county; William E. Nelson, of Macon county; and Harvey B. Hurd, of Evanston, Cook county, commissioners under the act.

The act under which the commission was raised required the commissioners to observe, as nearly as might be, the alphabetical order of the Revised Statutes

of 1845, to make only such changes in, and additions to, the statutes then in force as might be necessary to render them harmonious and complete, and to present a printed report of their revision to the succeeding general assembly. The commissioners entered upon the discharge of their duties immediately after their appointment, and had made considerable progress in the preparation of their revision upon the plan thus indicated, intending to have presented it as a whole, to be enacted into a law in one act, when, on the 13th of May, 1870, the constitutional convention adopted and, on the 2d of July following, the people ratified the present constitution. The new constitution requires that "no bill shall contain more than one subject, and that shall be expressed in its title."

Whether, under this provision, the legislature could enact in one bill a revision of the entire body of the statutes, differing so essentially from the existing laws, as they must, to meet the requirements of the new constitution, and containing entire new chapters, was a matter of doubt even if under the circumstances it were desirable to undertake to do so.

Mr. Nelson, having been elected a member of the house of representatives of the twenty-seventh general assembly, ceased to act with the commission, deeming his duties as representative inconsistent with those of reviser. The work therefore devolved upon Messrs. Schaeffer and Hurd, who continued it together until the adjournment of the twenty-seventh general assembly.

It being considered doubtful whether the law under which the commissioners were appointed authorized them to proceed further with the work, and the twenty-seventh general assembly failing to give any expression upon the subject or to make any provision for the continuance of the commission, Mr. Schaeffer withdrew therefrom, leaving it wholly to Mr. Hurd, who continued it, that he might be able to meet either view that might be taken of his duty in the premises. At the opening of the twenty-eighth general assembly he communicated his action to that body and, at the request of the two houses, reported the chapters prepared by him,—part to the committee of revision of the senate, and part to the judiciary committee of the house.

Mr. Hurd, continuing his own account of his connection with the revision of 1874, says: "In consequence of the large amount of other business before the legislature, it became apparent that an adjourned session would be necessary to complete the revision, and only a few of the revised bills were passed at that session. A joint committee, consisting of Messrs. Clark W. Upton, Charles B. Steele, on the part of the senate, and Messrs. Milton Hay, John M. Rountree, and Charles Dunham, on the part of the house, was appointed, to which all revision bills that had not been acted upon by either house was referred. They were authorized to continue in session during recess, and, in conjunction with the acting commissioner of revision, to prepare all bills that should be found necessary to complete the revision, and make a printed report to the general assembly at its adjourned session. * * * The report of the committee was printed, and presented to the adjourned session, at its opening January 8, 1874, and the bills thus presented were considered by the respective houses, receiving

such amendments as the legislature saw fit to make, and with a few exceptions were finally passed."

By an act approved March 30, 1874, Mr. Hurd was appointed to compile, annotate, edit, and superintend the publication of all the general statutes of the state in force on the 1st day of July, 1874, in a volume to be entitled, "The Revised Statutes of the State of Illinois, A. D. 1874."

Mr. Hurd and his assistant, Harvey W. Booth, Esq., who acted as clerk of the joint committee and as assistant to Mr. Hurd, deserve great credit for the care as well as for the industry and fidelity with which they prosecuted their labor.

Mrs. Myra Bradwell, who was the editor of the *Legal News*, and whose death was so great a loss to the profession, in a note prefixed to an edition of the Revised Statutes published in 1887, says: "The acts passed by the general assembly in 1887 made so many changes in the general laws of the state as to make indispensable another revision, that should contain all the laws of a general nature in force at the time of going to press, November 1, 1887." Mrs. Bradwell secured the services of Mr. Hurd, the official reviser of the edition of 1874, to prepare the edition of 1887. Mr. Hurd edited the session laws from 1877 to 1885, inclusive, and had large experience as a reviser who was not only familiar with every section of the written law, but knew its private history and how and why it became a part of the revision. Mr. Hurd has continued to revise the statutes. His method is to state the time of the approval of the act by the governor, and when it took effect, referring to the *Legal News* edition of the session laws, and when the act was a part of the Revised Statutes of 1845 he has referred to the page and section. Mrs. Bradwell continued the publication of the session laws until her death, and since that time Hon. James B. Bradwell, still retaining the services of Mr. Hurd, has published another revision, noting the changes in the law and giving to the profession the statutory law as it existed at the time of the several revisions.

A most useful publication is that of "Annotated Statutes of the State of Illinois, in force May 1, 1896," which will be, as I am informed, continued from year to year, embracing the revision of 1874 and all general statutes enacted since such revision, so far as in force, with digested notes of decisions, construing or illustrating their provisions by the courts of Illinois and of the United States, and historical notes, comparing the present statutes with previous legislation. The work is edited by Merritt Starr and Russell H. Curtiss, of the Chicago bar, and published by Callaghan & Company, of Chicago.

In the preface to the work it is said by the editors that the distinctive features of this book are: "First, it contains the general statutes of the state now in force. It preserves the arrangement of the statutes adopted in the revision of 1874 and the first edition and supplement of the present book. It contains a number of United States statutes, including those printed as preliminary matter in the revision of 1874, so far as now in force,—these have been printed with the related state statutes. It contains also a number of English statutes expressly held by our supreme court to be in force in this state and not easily accessible elsewhere. These are printed among the notes with the chapters to which they

relate. It does not contain purely appropriation acts, local acts, acts of a private nature, repealed acts, and some general acts which have been declared unconstitutional by the supreme court of the state. Second, this book contains a digest of the decisions of the courts of Illinois and of the federal courts, construing or throwing light on the statutes of the state. Third, * * * This book contains historical notes upon the sections of the statutes in detail, tracing the principal provisions through the previous legislation of the state to their present form. As a part of this historical matter there is added to the notes on each of the principal chapters a list of former general statutes on the subject-matter of the chapter, intended to cover the legislation of the state from its formation, in 1818, to the present time."

The statutes of the state of Illinois have been, by the various means to which we have referred, thoroughly revised, and are made accessible to the legal profession.

CHAPTER XII.

THE MACOUPIN COUNTY BAR—LAKE COUNTY LAWYERS.

MACOUPIN COUNTY was organized under an act of the legislature approved January 17, 1829. Thomas Carlin was then a state senator from Greene county, and was active in procuring the passage of the act, and the county-seat of the new county was named in his honor, Carlinville.

Senator Carlin afterward became governor of the state, elected in 1838. It is not certain whether Palemon H. Winchester or John S. Greathouse were the first lawyers to settle in Carlinville; they were both residents of that town in 1831. Judge Scott, in his volume, "Supreme Court of Illinois, 1818," refers to him as "Winchester, named as counsel for appellee in same case (Coleen and Claypole versus Figgins), was evidently P. H. Winchester, a territorial lawyer (page 285)." He further says (page 286): "It has not been practicable to find any account of him other than the mention of his name as one of the lawyers of that time."

Palemon H. Winchester, who was referred to by Judge Scott, was a native of Tennessee and was reputed to have been a nephew of General James Winchester, who commanded the American forces at Frenchtown, or Raisin river, and surrendered them to the British commander, Procter. Major Winchester, as he was called, came into Illinois in 1817, and settled in Edwardsville, where later he married a daughter of Colonel Ben. Stevenson, who was then one of the leading citizens of Madison county. Colonel Stevenson was so intimate with Governor Edwards that the late Judge Benjamin Stevenson Edwards was named for him.

In 1822 Winchester was indicted for the murder of one Smith, and Felix Grundy defended him. Judge Scott speaks of him as "Solomon" H. Winchester, and says "The trial created a good deal of local excitement; defendant belonged to a highly respectable family and had many influential friends." Winchester was acquitted, and after Macoupin county was established he removed to Carlinville, where he died. He was regarded by the people of the county as a good lawyer, but later he became intemperate and unreasonable. He died many years ago.

John S. Greathouse also came to Carlinville before 1831. He was born in Shelby county, Kentucky. It has been impossible to obtain the date of his birth. He lived and practiced law a short time in Anderson county, Kentucky, at Lawrenceburg, and then removed to Illinois, and settled at Carlinville, or near the town, upon a tract of sixty acres of land. He built a good house, and kept an office in town.

The editor of this work entered the law office of Mr. Greathouse in March, 1839, and found what was then regarded as an excellent "law library,"—Breese's Reports, published in 1831 (the 1st of Scammon was not issued until December,

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Yours truly
John A. Parker

The Century Publishing & Engraving Co. Chicago.

a part of each winter; for a time he was a student at Illinois College, at Jacksonville, and in 1850 he began a scientific course at McKendree College, at Lebanon, this state, where he was graduated in 1851. In order to defray his expenses in obtaining this higher education he earned the means by his work on the farm, and by teaching school at intervals.

In the winter of 1852 he became a resident of Carlinville and a student of law in the office of John M. Palmer. In 1854 he was admitted to the bar, and at once entered upon the practice of his profession, in which he continued till the breaking out of the war. In 1862 he raised a regiment, which was organized in August, at Camp Palmer, at Carlinville, being the One Hundred and Twenty-second Regiment of the Illinois Infantry Volunteers. He was elected and commissioned colonel, was mustered into the service September 4th, and served till the close of the war. He was wounded in the battle of Parker's Cross Roads, December 31, 1862. Was appointed brigadier general, by brevet, for gallant and meritorious service in the field, to take rank from the 13th of March, 1865.

After the close of the war he resumed the practice of law. He early rose to prominence in his profession, which he has ever since maintained, is an effective speaker both before court and jury, and is recognized as one of the best political speakers in the state.

In politics he was a Democrat till the year 1858, when he united with the Republican party, although the latter was in the minority in the state, and constituting less than one third of the voters of Macoupin county, in which he resided, and in fact it was in the minority in all the counties south of Springfield. At that time it seemed evident to his mind that the Democratic party was being used simply as a bulwark of slavery; that the principles of Jefferson and Jackson were no longer respected by the party leaders, and that the party organization was controlled by the advocates of nullification and secession. Therefore he did not hesitate to abandon the dominant party.

He has been honored with offices of trust and responsibility in his locality and also in the service of the state, and has declined others that have been tendered him, among which was that of United States district attorney for the southern district of Illinois. In 1872 he was a presidential elector on the Republican ticket for the district in which he lives, and in 1876 he was elector for the state at large. In 1874 he accepted the Republican nomination for congress, in a district hopelessly Democratic, and was defeated. It may be mentioned in this connection, as an evidence of his popularity where he is best known, that, in opposition to the candidacy of William R. Morrison he has run several hundred votes ahead of his ticket in Macoupin county. In 1880 he was the choice of a very large following in the Republican party, for the office of governor of the state of Illinois, and in the nominating convention, after a prolonged contest, was defeated for the nomination, by the thoroughly organized forces of Governor Cullom, then the chief executive. In 1885 he accepted from Governor Oglesby the position of railroad and warehouse commissioner, and served as such during the following four years nearly.

In 1894 General Rinaker was elected representative from the sixteenth

district of Illinois in the fifty-fourth congress as a Republican. General Rinaker is now in the full practice of his profession.

October 16, 1855, General Rinaker was united in marriage with Miss Clarissa Keplinger, of Franklin, Morgan county, Illinois, and they have four sons living.—Thomas, Samuel, John I., Jr., and Lewis. These sons are all graduates of Blackburn University. Thomas and Lewis are graduates of the law department of the Michigan State University; Samuel attended the law department of Yale University, and John I. graduated in the architectural department of the University of Illinois. Thomas is associated with his father in practice; Samuel is a successful lawyer at Beatrice, Nebraska; John resides in Springfield, and Lewis in Chicago.

Samuel Pitman, who came to Carlinville, in 1855, studied law with the writer and was his partner for many years. The firm of Palmer & Pitman did an immense business until May, 1861, when the senior member of the firm was elected to the command of the ninth congressional district regiment, which was afterward numbered as the Fourteenth Illinois Infantry. Mr. Pitman is a good lawyer, has remained in Carlinville and is still living. He came from Jersey county, is a member of a most respectable family and is a bachelor.

Robert B. Shirley was born on a farm in Madison county, on the 9th day of October, 1850. He studied law with Judge William R. Welch, and was admitted to the bar in 1876. He is a Democrat, and his first presidential vote was given for Horace Greeley. He is now a circuit judge, by a second election. He is an excellent, painstaking judge.

Lewis P. Peebles, who for seventeen years occupied the bench of the county court of Macoupin county, and is now practicing at the bar of Carlinville, was born July 13, 1836, in Chesterfield, this county, and is the youngest of five brothers, whose parents were Jesse and Margaret (Reeder) Peebles. The paternal grandfather of our subject was one of the Revolutionary soldiers and served with General Francis Marion in South Carolina. His father was a farmer by occupation and also a local minister in the Methodist Episcopal church. His mother was a direct descendant of William Henry Harrison.

Lewis P. Peebles spent his boyhood days on his father's farm, assisting in the work of plowing, planting and harvesting, and through the winter months attended the district schools of the neighborhood until attaining his majority. When twenty-three years of age he left home, and going to Pittsfield, Illinois, began reading law in the office of Hon. William A. Grimshaw, a distinguished lawyer and a leader in political affairs. Thus Mr. Peebles occupied his time until August, 1862, when feeling that the country needed his services he "donned the blue" and went to the front as a member of the One Hundred and Twenty-second Illinois Infantry. He was chosen captain of Company D, and with that rank served in the western department from Cairo to Mobile. Much of the time he was opposing Forrest in western Tennessee. He was mustered out July 15, 1865, at Mobile, and honorably discharged on the 4th of August, at Springfield.

Mr. Peebles then resumed the study of law with W. R. Welch, and was admitted to the bar at Carlinville in 1867. Owing to poor health, however, he

did not begin practice until 1870. He served as deputy sheriff for two years, and then formed a partnership with R. C. Smalley, now deceased. In 1873 he was elected county judge of Macoupin county and was re-elected for four consecutive terms, while he held over for another year owing to a change in the law. His term on the bench, therefore, covered a period of seventeen consecutive years, and won him the highest commendation of the bar, while no better testimonial of the confidence reposed in him by the public can be given than the fact that he was so often called to the office by popular vote. His rulings were just, his decisions strictly impartial, and his opinions displayed a comprehensive knowledge of the law. On his retirement from the bench, he resumed the private practice of law and was alone in business until 1891, when his son Jesse was admitted to the bar and became his partner. In January, 1897, the present law firm of Peebles, Keefe & Peebles was formed, the second member being D. E. Keefe.

The Judge was married on the 18th of March, 1869, to Miss Sarah E. Odell, of Carlinville, and they now have two children.

Hon. Charles Augustus Walker, one of the oldest members of the Illinois bar, in years of actual practice, is a citizen of Carlinville, Macoupin county. Forty years ago he passed the required examinations and was duly admitted to the bar, since which time he has been an active worker in his profession. While the civil war was in progress he was elected to the lower house of the Illinois legislature, on the Democratic ticket. To that party he has always given his allegiance, and has been recognized as an influential factor in local state campaigns. When he was a member of the state assembly he took an active part in opposing the building of the new court-house in this county and was prominently connected with many important measures which received the consideration of our statesmen of the early war period.

Mr. Walker is a native of Tennessee, his birth having occurred in the city of Nashville, August 21, 1826. He is a son of Abram S. and Rosina (Phelps) Walker, who were natives of Kentucky and North Carolina, respectively. The father was a man of prominence in his community, and was respected and admired by all who knew him. In 1844, at a special election, he ran, as a Whig candidate, against John M. Palmer, Democrat, for the county judgeship of Macoupin county.

When he was two years old Charles A. Walker became a resident of Illinois, and in this state he received his education. Having finished the curriculum of the common schools he entered Shurtleff College and was still a student there at the time that the gold fever of 1849 swept the country. Like thousands of others, he decided to try his fortunes in the far west, and before the summer of 1849 was ushered in he was starting on the long journey, accompanied by Charles Palmer (brother of John M.) and John F. Kellar, son of Samuel Kellar, an old citizen of Macoupin county. Mr. Walker remained on the Pacific coast about two years, and then returned to Illinois, settling in Carlinville. In 1852 C. A. Walker and Miss Permelia A. Dick, the daughter of Daniel and Susan Dick, respected citizens of Sangamon county, Illinois, were married.

In 1856 Mr. Walker took up the study of law under the direction of Messrs. Gilbert & Rinaker, of Carlinville, and two years later, having been admitted to the bar, he opened an office and began a lucrative practice, which has extended over two score years. In 1863 he became associated in partnership with John M. Woodson, son of Judge D. M. Woodson, of Carrollton. When Mr. Woodson removed to St. Louis, six years later, their business connection was dissolved by mutual consent. Early in his professional life Mr. Walker gained an enviable position as a trial lawyer and in the esteem of his legal brethren, and by strict application and energy became thoroughly posted in the intricacies of the law. For years his practice has been extensive and remunerative, and his standing as a lawyer is above question.

In 1871 Mr. Walker was honored by his fellow citizens, in being elected to the mayoralty of Carlinville. Seven years later he was elected to the state senate. During his senatorial career he succeeded in introducing and getting passed the first compulsory educational bill enacted in this state. From his early manhood he has taken great interest in the cause of education, and for a number of years served as president of the Carlinville school board.

William E. P. Anderson was born May 31, 1850, in Shaw's Point township, Macoupin county, Illinois. He was the only child of Erasmus S. and Mary E. (Hogan) Anderson, who died of cholera, in 1851. He was then reared by his uncle, C. H. C. Anderson, now deceased, and in his early youth assisted in the labors of the farm, finding little opportunity to attend school. He was afterward a student in the city free schools, then spent two years in Blackburn University, and two years in the Illinois Wesleyan University. Thus, with a broad general knowledge to serve as a foundation for professional learning, he began to study law in the office and under the direction of John Mayo Palmer, in 1869. Subsequently he spent one year in a private school in Philadelphia, and in the spring of 1871 he read law in the office of the late Judge W. R. Welch. He was admitted to the bar August 31, 1871, and opened an office in Carlinville on the 1st of June, 1872. He has since engaged in general practice and has secured a large clientage.

In politics he has always been a staunch Democrat and has been an active worker in the party since 1872. In 1874 he was elected city attorney of Carlinville, and discharged his duties with such ability that he was re-elected in 1875. In the spring of 1877 he was elected assistant supervisor of Carlinville township, and was serving in that capacity when the court-house debt was funded. In 1887 he was appointed master in chancery for Macoupin county, by Judge W. R. Welch, and has since held that office, by appointment, every two years. He also attends to the duties of a large general practice and occupies a leading place at the Macoupin county bar. In the fall of 1877 he became a member of the firm of Anderson & Bell, which connection was continued until April, 1896, since which time Mr. Anderson has been alone in business. He served for ten years as a member of the board of education, and for one year was its president.

On the 23d of October, 1873, Mr. Anderson was united in marriage, in

Bloomington, Illinois, to Miss Nellie D. Hamilton, of that city, and they now have three sons, William H., aged twenty-four years, a graduate of Ann Arbor and now associated with his father in the practice of law; Crittenden H. C., twenty years of age; and Walter Stratten, aged seventeen.

Alexander H. Bell, of Carlinville, was born on the 29th of October, 1853, in Troy, Madison county, Illinois, and is the eldest of the three children of Thomas H. and Julia A. Bell, the former a wagon-maker by trade. One of their children died in infancy, and the sister is now the wife of T. K. Gore. Alexander H. Bell remained in the town of his nativity until nine years of age, and then accompanied his parents to Jerseyville, Illinois, where he remained five years. From that time until the fall of 1870 he was again a resident of Troy, and then came to Carlinville, in order to enter Blackburn University, where he pursued his education for three years. In the winter of 1873-4 he engaged in teaching school in Greene county, after which he returned to Blackburn University, where he was graduated in June, 1874. On the 1st of September of that year he went to Medora, Macoupin county, to take charge of the schools of that place, where he remained as principal nine months.

Mr. Bell began reading law in the office of C. A. Walker, of Carlinville, was admitted to the bar in June, 1877, and at once began practice, being associated for three months with his former preceptor. He then formed a partnership with W. E. R. Anderson, which connection was continued for over eighteen years. Since April, 1896, he has been in partnership with F. W. Burton. He is one of the best known and most popular and able lawyers of this section of the state. He served as city attorney from the spring of 1877 until the spring of 1879, was state's attorney from 1880 until 1884, was mayor of Carlinville from 1893 until 1895, and has been president of the board of education. He was also delegate to the Democratic national convention, in Chicago, in 1896, and the same year was chairman of the state convention, which met in Peoria.

On the 20th of December, 1877, Mr. Bell was united in marriage to Miss Flora G. Mounts, of Carlinville, and they have two children. His life has been one of great activity and industry, and through industry and merit he has attained his prominent position in professional and political circles.

Frank W. Burton, of Carlinville, was born on the 8th of October, 1857, in Bunker Hill, Macoupin county, Illinois, and is a son of Henry W. and Cornelia (Rider) Burton, whose family numbered but two children, the sister of our subject being the wife of Judge Shirley. The father served as circuit clerk of Macoupin county from 1868 until 1876, and was a man of considerable prominence in the community.

Frank W. Burton spent his early boyhood days in Bunker Hill, and in 1869 removed to Carlinville and entered Blackburn University, where he pursued a seven-years course of study and was graduated in 1876. He then began reading law, under the direction of Hon. C. A. Walker, and was admitted to the bar in February, 1879. The following summer he began practice in Carlinville, where he has since made his home. He was alone in business for a number of years, and therefore his advancement cannot be attributed to the aid of a

partner long and successfully established in business; but, on the contrary, it is the outcome of his earnest application and thorough knowledge. It was not until April, 1896, that he formed a partnership, at which time he became associated with A. H. Bell, and together they have since engaged in general practice.

Since 1880 Mr. Burton has been an active factor in politics in Macoupin county. In that year, and again in 1882, he was secretary of the county committee of the Democratic party, and in 1890, 1892, 1896 and 1898 was its chairman. In 1881 he served as city attorney of Carlinville, and from 1884 until 1892 was state's attorney of Macoupin county. He is now a trustee of Blackburn University, and is deeply interested in everything pertaining to the educational, moral, social and material advancement of the community. He was married in 1880 to Miss Anna Robertson, daughter of Dr. W. A. Robertson, of Carlinville, and they now have two children, Cornelia and Robert.

Edward C. Knotts, senior member of the law firm of Knotts & Terry, of Girard, Macoupin county, was born in Sangamon county, Illinois, on the 24th day of March, 1863, on a farm ten miles south of Springfield. His parents were Albion and Mary J. (Peddicord) Knotts, the former a native of Virginia, the latter of Kentucky. The father was one of the pioneers of Sangamon county, and there made his home until his death, in 1884.

In the district school near his home the subject of this sketch began his education. By working as a farm hand during the summer seasons for several years he accumulated a few hundred dollars to be used in obtaining a collegiate education. At eighteen he entered Blackburn University, and later went to Knox College, in which institution he graduated in 1884, having completed, by rigid application and extraordinary industry, a six-years course of study in four years. Indeed, he really completed the course in less than four years, for he was so advanced and thorough in his studies that he was granted a diploma by the faculty of Knox College at the end of the winter term of his senior year,—three months before the fixed time for graduation,—which act on the part of the faculty was unprecedented in the history of the college.

During the summer and fall of 1884 Mr. Knotts edited the Galva Standard, which supported General B. F. Butler for the presidency in the campaign of that year, and then did reportorial work for several of the leading newspapers of the south until the autumn of 1885, when he returned to Illinois and taught a district school in Macoupin county during the following winter and spring months. In the fall of 1886 he accepted the position of principal of the public school at Shipman, Illinois, where he taught during the two ensuing school years.

While teaching school Mr. Knotts took up the study of the law, under the direction and supervision of the well known law firm of Anderson & Bell, of Carlinville, Illinois, and in the spring of 1888 opened a law office at Girard, Illinois, in the name of and in partnership with Hon. A. H. Bell, and in the year 1889 he was admitted to the bar. After his admission to the bar Mr. Knotts succeeded to the business he had theretofore assisted in establishing, and continued the same alone until 1894, when he formed a partnership with Charles C.



John P. Lloyd

Terry, under the firm name of Knotts & Terry, which firm now occupies a prominent position at the bar of Macoupin and adjoining counties. The junior partner had previously been a student in the office with Mr. Knotts, so that their business relations have extended over a considerable period.

In 1892 Mr. Knotts was elected to the office of state's attorney for Macoupin county, and during the four years he held such office he distinguished himself as a fearless, vigorous and successful prosecutor. He was also mayor of Girard from 1893 to 1895, in which position he displayed strong executive talents and succeeded in establishing many wholesome reforms in the municipal government.

In 1893 Mr. Knotts was united in marriage with Miss Elizabeth A. Routzahn, of Girard, in which little city they reside and are widely and favorably known.

LAKE COUNTY LAWYERS.

CONTRIBUTED BY HON. HENRY W. BLODGETT.

E. Winchester Hoyt located in Waukegan in the fall of 1844. He was born in Batavia, New York, in 1818, was educated at Lima Academy, New York, and studied law with his brother, James G. Hoyt, who was afterward one of the judges of the New York court of appeals. Mr. Hoyt was a studious, hard-working lawyer and gave promise of achieving abundant success in his profession, but he died in February, 1850.

Isaac Hopkinson was born in Orange county, Vermont, in 1819, studied law and was admitted to the bar in his native state and settled in Waukegan in 1843. He had a fair measure of success in his profession, but died in 1850.

Henry W. Blodgett* is one of the illustrious characters of the history of the bar of Illinois. Some other may have been more conspicuous for certain talents which go to make the popular lawyer, but in patient industry, sound judgment, clear conception of the spirit and scope of jurisprudence and in that intuitive perception of right which is almost an inspiration, Judge Blodgett has had no superior. He began practice during the formative period of the substantial jurisprudence of the west. Throughout the period while the great outlines of this jurisprudence were being established upon an enduring basis, one may trace the impress of his mind upon every important advance step, and he has been one of its important factors from that time to the present.

Judge Blodgett is a native of Massachusetts, and was born at Amherst, July 21, 1821. His parents, Israel Porter and Avis (Dodge) Blodgett, were of old and good New England stock. His father was a blacksmith, as sturdy of character as of arm, and his mother was a woman of exceptional talent and educational attainments; and both were sincerely and zealously devoted to the cor-

* This review of the life of Judge Blodgett is supplied by the publishers of this work, and is not an integral portion of his own contribution. It is most consistently incorporated in this connection.

rect development and training of their children. When the future jurist was about ten years old his family removed to Illinois. Under his mother's instruction he was fitted to enter the Amherst Academy, and at seventeen he went back to Massachusetts and became a student in that institution. He made the most of his opportunities there for a year and then came back to Illinois and engaged in teaching school and in land surveying, and was thus employed for several years.

In 1842, at the age of twenty-one, Judge Blodgett began the study of law in the office of J. Y. Scammon and Norman B. Judd, of Chicago, and after three years' preparation was admitted to the bar, in 1845. Immediately thereafter he entered upon the practice of his profession at Waukegan, then known as Little Fort, and had the encouraging and discouraging experiences common to young lawyers. He was a hard worker, however, and soon demonstrated that his talent and learning were more than equal to his pretensions, and his industry and appreciation brought him not only success as a lawyer, but the acquaintance and confidence of leading citizens. In 1852 he was elected to the general assembly of Illinois, and was distinguished as being the first avowed anti-slavery man who ever occupied a seat in that body. In 1844, at twenty-three years of age, he had voted the anti-slavery ticket, and he was an outspoken abolitionist so long as there was work to be done for human freedom, and has been an unswerving Republican since the organization of that party. In 1858 he was elected to the state senate. As a legislator he was one of the ablest and most useful in Illinois, and was largely instrumental in shaping the legislation of the state and in promoting the development of its internal resources by public improvements and otherwise.

In 1851 he secured a special charter for a railroad along the lake shore from Chicago to Milwaukee, and was one of the active promoters of that enterprise, being its attorney from the organization of the company and until it was absorbed into the Northwestern system, and he was for many years the principal attorney of the Chicago & Northwestern Railway Company. He also, in association with F. H. Winston, acted as local attorney for the Pittsburg, Fort Wayne & Chicago, the Michigan Southern, and the Rock Island & Chicago Railroad Companies. He has, perhaps, more knowledge in regard to these roads than any other one man. As a solicitor he was regarded as the equal of anyone in the northwest, and he became noted as one of the best railroad lawyers in the country.

Nature seems to have designed Mr. Blodgett for a judge; his mind is one of the distinctively judicial order. He has been so important and beneficent a factor in formulating the laws of the state that his appointment by President Grant, in 1870, to administer them as judge of the United States district court for the northern district of Illinois met with the approval of the bench, bar and general public of Chicago and the state at large, and, indeed, of the entire northwest. His varied legal learning and wide experience in the courts and in great business affairs, the patient care with which he ascertained all the facts bearing upon every case which came before him, gave his decisions a solidity and ex-

haustiveness which usually made them final. They were impartial, simple in style, exact in diction, always lucid and forcible and never sensational, florid or highly ornate.

To mention only a few of the eminent lawyers who pleaded their cases before Judge Blodgett is sufficient to carry the mind back to days and events that have now become historical, and to a generation that has almost passed away. Roscoe Conkling came here from New York to argue several important cases; Robert G. Ingersoll was many times an advocate in Judge Blodgett's court, both before and after his removal to New York; in a long list of important controversies Chief Justice Fuller was a familiar figure in the same forum; Lyman Trumbull and James R. Doolittle were frequent pleaders before him; Matt H. Carpenter, from Wisconsin, and many others from other states, who were prominent actors in the history of the country during and since the civil war, in congress and in the field, have appeared as advocates and conducted trials before Judge Blodgett. Every Chicago lawyer of high standing and the leading lawyers from the interior of the state practiced in his court. It would be surprising if in such a long experience on the bench there were not some who, whether as suitors or advocates before him, were dissatisfied with his rulings; but the general sentiment of the bar toward him is that of unqualified respect as an upright, painstaking and conscientious judge.

Considering the variety of the issues tried before him—for he sat as a criminal, as well as a common-law, admiralty and chancery judge, and was for several years a judge in bankruptcy—Judge Blodgett was long one of the hardest working jurists in America. After the panic of 1873 an enormous amount of business was thrown into the federal court of Chicago, in consequence of the embarrassment of railroads and other corporations that were obliged to take advantage of the existing bankruptcy law, and with all these cases Judge Blodgett had to deal in his official capacity. The prosecution of the distillers and government officers charged with conspiracy to defraud the revenue, in 1876, still further increased the pressure of the work that was imposed on him during the first decade of his services. In the disposition of these litigations, many of which were protracted and voluminous and keenly contested by the ablest lawyers of the day, Judge Blodgett won the admiration as well as the respect of the bar, all members of which were struck by the laborious industry with which he strove to master every detail of every case, the acuteness and penetration with which he grasped their essential points, the aptness of his logic in applying the law, and the uniform firmness of his decisions. He has a liking for mechanics and a faculty for understanding mechanical inventions which, had he not become a lawyer, would probably have caused him to become an inventor, and he early familiarized himself with the law of patents, copyrights and trademarks. So satisfactory was his disposition of numerous patent cases that patent lawyers who practiced in his court expressed their regret at his approaching retirement, and urged upon the president and senate of the United States the desirableness of appointing as his successor a judge well informed as to patent laws.

On the organization of the United States circuit court of appeals for the

seventh circuit, in June, 1891, Judge Blodgett was designated by Justice Harlan and Justice Gresham to act as the third judge in that court. Following his appointment, in 1892, as one of the counsel for the United States before the Behring Sea tribunal of arbitration, with Hon. Edward J. Phelps of Vermont, ex-minister to Great Britain, as a colleague, he resigned his judicial office, and was succeeded by Judge Peter S. Grosscup. The ability with which he performed the duties of that appointment, which terminated with the announcement of the decision at Paris, August 15, 1893, was apparent from the beginning to the end of the settlement of that historic controversy relative to the seal fisheries between the United States and Great Britain.

An estimate of Judge Blodgett's standing in professional circles and in private life is probably best given in the words of a prominent lawyer who has known him long and well, and who says:

I have tried important cases before eminent judges in New York, Massachusetts, New Hampshire, Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Kentucky, Missouri, Tennessee, Colorado, Utah and California, and never yet have appeared before one whom I consider the superior of Judge Blodgett. His greatness and usefulness as a judge consisted in his ability to do a vast amount of business and do it well. He has an acute and analytical mind, a marvelous memory, a wonderful knowledge and judgment of men and business affairs, a clear and quick insight, which enables him to look behind the scenes and comprehend the motives which influence and control men in the affairs of life. His knowledge of the law in all its branches is profound. He is equally at home in common, chancery, patent, admiralty, criminal, corporation and real-estate law, and few judges ever sat upon the bench whose decisions in cases governed by the constitution as statute have commanded more unusual approval or been more uniformly sustained.

Although not physically strong, his powers of endurance were amazing. From 1873 until 1883 an immense amount of judicial labor was forced upon the district and circuit judges of the northern district of Illinois. During those years Judge Drummond's eyes were bad and he was in poor health generally, and most of the real work devolved upon Judge Blodgett. The bankrupt law of 1867 was then in full force and caused business enough for any ordinary judge. The failure of the Cook County, and the Second, Third and Fourth National Banks caused a large amount of important litigation which required decisions upon the then unconstrued and unsettled provisions of the banking law. The prosecutions under the revenue law were numerous, and many of the questions arising in them were difficult and often embarrassing. The common-law, chancery, admiralty and criminal dockets were crowded. During those years almost the entire business of the federal courts here was performed by Judge Blodgett. The bankrupt and national bank business was done generally between nine and ten o'clock in the morning. The chancery cases were generally submitted on printed and short oral arguments, and considered nights and Sundays. The common-law and criminal dockets were cleared at almost every time.

I have thought and have heard eminent practitioners of the Chicago bar, including Leonard Swett and William C. Goudy, say that in their opinion no other man could have been found who could, in those years, have done the amount of work that Henry W. Blodgett did and have done it so well. Between three and four hundred of his decisions, rendered between 1869 and 1892, are reported in ten federal reports. I think it is safe to say that a smaller proportion of his judgments were reversed than those of any other judge in the nation. In the trial of a case nothing escaped his attention, and often by a single question to a witness would throw a flood of light upon the point being investigated. His charges to the jury were models of clearness and brevity. His aim was always to secure right and justice, and his great mind, large heart and unflinching courage enabled him so

to do. Had he occupied the bench during the formative period of our jurisprudence, he would have ranked with Mansfield and Marshall.

Judge Blodgett was married in 1850 to Miss Althea Crocker, of Hamilton, New York, and has had five children, three of whom are living. In his private life he is a model of benevolence and generosity, giving largely to charitable purposes, and many have grateful knowledge of his bounty. His deportment is characterized by courtesy and impartiality. He is a tireless reader, an indefatigable student, and has great power of concentration and a memory of such remarkable quality that he is able, with a moment's thought, to give exact details of any trial or case in which he participated, either as counsel or judge, at any time during his active career. In his religious views he is orthodox, but liberal. His deeds are indelibly written in the history of his time, so plainly that all may read. He is an old representative Chicagoan, and his public and personal history is inseparably connected with the jurisprudence of Illinois. Judge Blodgett still maintains his home in Waukegan.

Elisha P. Ferry was born in Monroe, Michigan, in 1822, studied law with an elder brother, at Fort Wayne, Indiana, and in 1846 removed to Waukegan, where he enjoyed a large and lucrative practice. He was a member of the state constitutional convention of 1862, and served as a member of Governor Yates' staff, with the rank of colonel, during the governor's term. In the spring of 1869 he was appointed governor of Washington territory, and held that position for twelve years. On the admission of Washington territory as a state he was elected the first governor, and after serving one term very acceptably he declined re-election, on account of his precarious health, and soon afterward died.

William S. Searles was born in Michigan, in 1821, and studied law at Ann Arbor. He located in Waukegan in 1848. He was an industrious and energetic lawyer, had a large and profitable practice, achieved a good standing in his profession, and died in 1884.

Clark W. Upton was born in Barrie, Vermont, in 1823, studied law in Montpelier, that state, and began the practice of his profession in Barrie, where he remained until the spring of 1850, when he removed to Waukegan. In 1874 he was elected to the state senate, where he served one term, and was a member of the commission appointed to revise the statutes of the state. In 1877 he was elected one of the circuit judges of the twelfth circuit of this state, and was three times re-elected, but declined a further re-election. He was one of the judges of the appellate court for the northern district of Illinois for four years, where he made an enviable record as a jurist.

Elijah M. Haines was born in Herkimer county, New York, in 1822. When he was about fourteen years old his family removed to Illinois, and located on a farm in the central part of Lake county, where he grew to manhood. He studied law in his leisure moments from farm work, and in 1852 was admitted to the bar and began practice in Waukegan. He was a tireless worker and, in addition to the labor incidental to his law cases, wrote and published books on

Township Organization, a Manual of Probate Law, and a treatise on the Powers and Jurisdiction of Justices of the Peace, and on The American Indian. In 1862 he was elected to the state house of representatives, to which place he was afterward three times re-elected, and was twice speaker of the house. He died in 1887.

Joseph L. Williams was born in Orleans county, New York, in 1816, studied law with Hon. Noah Davis of that county, and was admitted to the bar in 1846. After practicing a few years in his native state, he removed to Waukegan, in the spring of 1851, where he practiced successfully until about 1876, when he removed to Colorado Springs, Colorado, where he practiced his profession until his death, in the fall of 1896.

John L. Turner was born in Mahoning county, Ohio, studied law in Chautauqua county, New York, and in 1848 located for the practice of his profession in Waukegan. In 1858 he was elected county judge, and held the office until his death, in January, 1875. He was a faithful, conscientious lawyer and judge.

Isaac L. Clarke was born in Williamstown, Vermont, on the 29th day of February, 1824. He graduated at Dartmouth College in 1848, and then removed to Waukegan, where he was principal of the academy for about three years, during which time he studied law, and was admitted to the bar. He was successful in his practice until he entered the army, in the fall of 1862, as lieutenant colonel of the Ninety-sixth Illinois Regiment, where he did good service until he was killed, in the battle of Chickamauga, in September, 1863.

Francis E. Clarke was born in Williamstown, Vermont, March 4, 1829. He graduated in Dartmouth College in 1851, and directly after his graduation came to Waukegan, where he was principal of the academy a couple of years, during which time he studied law, and in 1854 was admitted to the bar and became a partner with his brother, I. L. Clarke, in the practice of his profession. In 1875 he was elected county judge, to succeed Judge Turner, and held the office until 1894. He is still living, and in the enjoyment of a profitable practice in his profession.

James S. Frazer was born in northern Indiana, where he received his education, studied law and was admitted to the bar. In 1856 he came to Waukegan, where he formed a copartnership with Isaac L. and F. E. Clarke, and enjoyed a profitable practice until 1862, when he returned to Indiana and located at Warsaw. He was soon afterward elected one of the judges of the supreme court of that state, where he established a fine reputation as a jurist. After the expiration of his term as judge he resumed the practice of his profession, and in 1876 he was appointed by President Grant as a member of the commission for the distribution of the proceeds of the Alabama claims award, where he did able service. He died, much loved and respected, about ten years ago.

There are several members of the present bar who are making splendid records.



The Century Engraving Co. Chicago

Wm. A. Wood

CHAPTER XIII.

LAWYERS IN CHICAGO.

WILLIAM A. WOODS.—Absolute capability often exists in stances, but is never brought into the clear light of the practical life. Hope is of the valley, while effort is of the mountain top; so that personal advancement comes not to the one who hopes alone, but to the one whose hope is accompanied by action. Thus is determined the full measure of achievement, who has had the prescience and power to direct his efforts to definite ends, and well may we hold in high regard the man of endeavor and personal accomplishment; for cause and effect are in their functions in full force. While hundreds in our generation rise from poverty to affluence, there are comparatively few who are honored of admiration and honor by reason of the splendid intellects which have gained them precedence in the world of mental activity. Mind and not force is held to be the dominating influence in the affairs of the nineteenth century, and the greatest honor is due him who has made full use of the opportunities for mental development and has attained thereby the highest rank in the realm of thought and intellectual potentiality. Such is the case that Judge Woods has accomplished, and to-day he holds distinctive precedence among the able jurists and legists of the nation. He is now the incumbent as circuit judge of the United States for the seventh district,—to which important and responsible office he was appointed by President Harrison, on the 17th of March, 1892. He is widely known in law circles throughout the Union, and the distinguished appointment mentioned came to him as fitting recognition of talents that have been developed through laborious and untiring effort.

A native of the state of Tennessee, William Allen Woods was born near Farmington, Marshall county, on the 16th of May, 1837, being the last born, and the only son of Allen Newton Woods and Martha Blackburn (Ewing) Woods. When he was but a month old his father, who was pursuing a theological course, died, and the subject of this review became an inmate of the home of his maternal grandfather, William D. Ewing, who was a prosperous farmer, but who retained, contrary to the usual custom of the place and period, two slaves,—an aged couple who had been long in the family. The paternal grandfather, whose holding of slaves was larger, was a man of prominence and influence in that section of Tennessee. When the Judge was seven years of age his mother married Captain John J. Miller, who, being opposed to slavery, moved, in 1847, with his family to Iowa, where he died soon afterward. Thus it is that William A. Woods passed his days upon the farm in the Hawkeye



Wm. A. Woods

CHAPTER XIII.

LAWYERS IN CHICAGO.

WILLIAM A. WOODS.—Absolute capability often exists in specific instances, but is never brought into the clear light of the utilitarian and practical life. Hope is of the valley, while effort stands upon the mountain top; so that personal advancement comes not to the one who hopes alone, but to the one whose hope and faith are those of action. Thus is determined the full measure of success to one who has had the prescience and power to direct his efforts toward definite ends, and well may we hold in high regard the results of individual endeavor and personal accomplishment; for cause and effect here maintain their functions in full force. While hundreds in our great republic have risen from poverty to affluence, there are comparatively few who have won tributes of admiration and honor by reason of the splendid intellectual achievements which have gained them precedence in the world of mental activity. Mind and not force is held to be the dominating influence in the affairs of this enlightened century, and the greatest honor is due him who has made for himself opportunities for mental development and has attained thereby the higher planes in the realm of thought and intellectual potentiality. Such is the task that Judge Woods has accomplished, and to-day he holds distinctive precedence among the able jurists and legists of the nation. He is now the incumbent as circuit judge of the United States for the seventh district,—to which important and responsible office he was appointed by President Harrison, on the 17th of March, 1892. He is widely known in law circles throughout the Union, and the distinguished appointment mentioned came to him as fitting recognition of talents that have been developed through laborious and untiring effort.

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state until he had attained the age of fourteen years, incidentally profiting by such limited educational advantages as the locality afforded. He afterward found employment in a saw mill and in the village store. His alert mentality and intuitive appreciation quickened his ambition for securing wider educational facilities. By carrying a hod for the plasterers he worked out a subscription he had made to the building of an academy at Troy, Iowa, and in that institution he completed his preparation for college, serving meanwhile as assistant instructor. He was an earnest student of not only the text books, but also of the problems that were calling forth the attention of the public, and thus he was led to take an advanced stand upon the temperance question and to become a prominent member of the Order of Good Templars. He was made chief of his home lodge and an officer in the grand lodge of the state, which he assisted in organizing when less than eighteen years of age.

In 1855 the embryonic judge realized the long cherished desire of entering upon a college course, and he matriculated in Wabash College, at Crawfordsville, Indiana, where he pursued the classical course to its completion, graduating as a member of the class of 1859. He was a thorough, systematic and earnest student, displaying a special aptitude in mathematics, and for a year after his graduation he remained in his alma mater as an instructor in that particular branch of learning. It was within his collegiate experience that Judge Woods gave distinctive evidence, in another direction, of the breadth of his nature and of the humanitarian standpoint from which he viewed the problems which were then agitating the public mind. Although his grandsires were both slaveholders, his father, as well as his stepfather, had been opposed to the institution, and even in his immature years he became a practical abolitionist. A slave girl given to his mother by her father had thereby become the property of his father, who provided in his will that she should have her freedom upon attaining the age of twenty-one. The girl married, and before she was entitled to freedom gave birth to a boy, who was left as a slave in Tennessee, the mother accompanying the family to Iowa, in 1847. When Judge Woods was in the midst of his college course, and when his finances were at such low ebb as to compel him to borrow money, he was urged to consent to the sale of the slave boy, who at that time would have commanded a good price; but he declined to profit in that way, and insisted that the boy should be brought north and given his freedom, which was done.

Upon leaving college Judge Woods accepted a position as a teacher at Marion, Indiana, where he remained until the school was disbanded, owing to the excitement which followed the battle of Bull Run. Thoroughly loyal to the cause of the Union, he enlisted in a company which was organizing, but by reason of an injury to his foot he was not able to go into the service. Meanwhile, in view of his chosen vocation in life, he had pursued the study of law with diligence and marked proficiency. His reading had always been extensive and of wide range, but as a life work he had determined to enter the legal profession, and from the time of his graduation had given close attention to technical study along that line. He secured admission to the bar in December, 1861,

at Marion, and on the 17th of March, 1862, entered upon the practice of his profession in Goshen, Indiana,—a state which he has honored and dignified by his labors as a lawyer and jurist, as well as a man among men. The dreary novitiate which awaited him was short; almost from the beginning he was successful, and as he demonstrated his ability to handle complex and important litigations his clientage grew rapidly in volume and in representative character.

In 1867 Judge Woods was elected a member of the general assembly of Indiana, where he served most efficiently on the judiciary committee, and introduced a number of bills, most of which found their way to a place on the statute books of the state. In 1873 he was elected judge of the circuit court for the thirty-fourth circuit of Indiana, composed of the counties of Elkhart and Lagrange, and was re-elected in 1878, without opposition, discharging the judicial duties with such ability as to gain a state reputation and to secure from the Republican convention of 1880 a nomination for the office of judge of the supreme court, to which he was elected. An article upon the supreme judges of Indiana, prepared by W. W. Thornton, and published in 1892, contains the following discriminating estimate: "By his experience on the *nisi prius* bench Judge Woods came to the highest tribunal well fitted for its exacting duties. He was and now is a man of splendid physique. He is a man of originality, depending less than the ordinary judge upon precedents and the opinions of others. He is fearless, and does not hesitate to express his views when duty requires him to do so. Somewhat combative in his nature, but not offensively so, he is ever ready to meet an opponent. His independence of character and thought has occasionally led him into error, though not seriously so, in his judicial opinions. The language of his opinions is forcible, and they are totally destitute of verbiage. He goes directly to the core of a case, decides it in a few paragraphs, reasoning out the controverted question, and citing few authorities. Although he was but little over two years on the supreme-court bench, he ranks as one of the strongest men who ever sat upon it."

Judge Woods continued as a member of the highest judicial tribunal of Indiana from January, 1881, until May, 1883, when he was appointed by President Arthur to the position of United States district judge for the district of Indiana, succeeding the late Judge Walter Q. Gresham, who had been appointed postmaster-general. For almost nine years Judge Woods held this preferment, and within that time tried more than the usual number of political cases. The most important was the trial and conviction of parties indicted for conspiring to obtain unlawful possession of tally sheets containing a record of the vote in the city of Indianapolis at the congressional election of 1886. Judge Woods' construction of the statute applicable to the case was strenuously contested, but was sustained by the decision of the supreme court; *In re Coy*, 127 United States, 731. The case which attracted most attention, however, was the proceeding against Colonel Dudley, charged with writing a letter from New York, within the campaign of 1888, advising bribery at the polls. The election was the most exciting ever held in the state, and charges of corrup-

tion were freely made by both parties. A "confidential" letter, purporting to have been written by the chairman of a Democratic county committee to a subordinate, had fallen into the hands of the enemy. It advised that voters who could be bought were simply floats and should be looked after closely, that no one might escape. Another letter, over the alleged signature of Colonel Dudley, written on a sheet bearing the imprint of the Republican national committee, and addressed to an unknown person in Indiana, was published by the Democratic state committee. It gave full and explicit directions concerning the election, and contained the offensive clause: "Divide the floaters into blocks of five, and put a trusted man, with the necessary funds, in charge of these five, and make him responsible that none get away and that all vote our ticket." In his charge to the federal grand jury, which met November 14, 1888, Judge Woods called attention to section 5511 of the United States revised statutes, which makes bribery an offense, and provides that any person who "aids, counsels, procures or advises any such voter, person or officer, to do any act hereby made a crime, * * * shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or both, and shall pay the costs of the prosecution." A consideration of this statute by Judge Woods and ex-Senator McDonald having developed a difference of opinion between them as to its proper construction, Judge Woods purposely omitted any construction of the section, and gave his charge to the jury substantially in the language of the statute, so as to leave the district attorney free to conduct the investigation before the grand jury in his own way. A month later, in response to a request for more explicit instructions, he quoted section 5511 of the statutes and added this construction: "But in any case, besides the mere fact of the advice or counsel, it must be shown that the crime contemplated was committed, or an attempt made to commit it." This precipitated a storm of partisan criticism. It was charged by the Democratic press, and by the senior member from Indiana upon the floor of the United States senate, that this construction was inconsistent with the first charge, and that the judge had been induced to shield the guilty by making indictment impossible under the construction of the law. The criticism having been repeated in words of bitter denunciation in the Democratic state platform of 1890, the judge published an elaborate statement of facts, with correspondence and data, which not only exonerated him from any possible suspicion of wrong-doing and inconsistency, but also showed his construction of the law to be correct. It also appears that his ruling was in exact accordance with an early decision of the supreme court, in the case of the United States versus Mills, 7 Peters, 137, which seems to have been overlooked until after public discussion of the subject had ceased. The vindication was complete.

Judge Woods continued upon the United States district bench until March 17, 1892, when, upon the nomination of President Harrison, he was confirmed and commissioned circuit judge of the United States, for the seventh district, and as such he presides in the circuit court of appeals, which sits in Chicago. He was well fitted by previous judicial experience and a profound knowledge

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of the law to assume the duties of this important and dignified of decisions which he has rendered upon this bench have won the co and approval of the brightest legal minds of the nation. Among cases which have been tried before him, the one that undoubtedly great attention and general interest was the application for an injunction behalf of the government, to compel the directors of the World's Exposition to close the gates on Sunday. In the hearing of the Judges Woods and Jenkins and Judge Grosscup, of the district court together. The first two decided to grant the injunction, and each delivered an elaborate oral opinion in support of his decision. The former held that there had been such a transfer of the possessions of Jackson Park to the United States for the purposes of the exposition as to vest in congress full control, and that as congress had made Sunday closing a condition upon which it had voted an appropriation in aid of the exposition, and had recommended a commission to adopt a rule for the closing of the gates on Sunday, and these were accepted, the government had the right to exact compliance with that condition and rule. The further actions touching this matter are an interesting addition to the history of the litigations pertaining to the exposition, and scarcely be referred to in this connection. A more detailed account is given in the sketch of Edwin Walker,—the eminent Chicago attorney, who was intimately concerned with the litigation, on other pages of this volume.

Another case over which Judge Woods presided, and which called to the attention of the nation, was the trial, for contempt of court, of *E. J. Debs, et al.*, in which Edwin Walker, special counsel, and Thomas E. Campbell appeared for the government, and S. S. Gregory and C. S. Darrow for the defendants. In the opinion, filed December 14, 1894, the charge of contempt was sustained, seven of the defendants being found guilty of contempt in violating the injunction. In his opinion Judge Woods said, among other things: "If men enter into a conspiracy to do an unlawful thing, and to accomplish their purpose advise workmen to go upon a strike, knowing that violence and wrong will be the probable outcome, neither in law nor in equity can they escape responsibility." The substance of the evidence is: That the defendants, in combination with the members of the American Railway Union and others who were prevailed upon to co-operate, were engaged in a conspiracy in restraint or hindrance of inter-state commerce over the route of the Pullman cars entering Chicago, and in furtherance of their design those actively engaged in the strike were using threats, violence and other unlawful means of interference with the operations of the road; that by the injunction they were commanded to desist; but, instead of respecting the order, they persisted in their purpose, without essential change of conduct, until compelled to yield to force. The court, therefore, finds the defendants guilty of contempt, as charged.

In an address delivered before the Marquette Club, of Chicago, in January, 1898, Justice Brewer, in reviewing the animus and results of the Pullman strike, paid to Judge Woods the following high tribute: "The great strike of 1894, which this city was the historic center attests the wisdom of judicial in-

ence. * * * The peaceful ending of that strike is a supreme attestation of the power of the American people to govern themselves. That honest and true-minded men were in both sides of that controversy no sensible man doubts, and that it was settled judicially, and not by bayonets and bullets, is the glory of all. And here let me say in passing that the hero of that struggle for the domination of law was Circuit Judge William A. Woods, whose name will be revered and honored through the coming ages, long after the memories of his critics and assailants shall have become, like the body of Lazarus, four days in the grave."

On the 6th of December, 1870, was solemnized the marriage of Judge Woods to Miss Mata A. Newton, of Des Moines, Iowa, and of this union two children have been born, namely: Alice Newton, who is an art student, and Floyd Allen, who is a lawyer at Indianapolis.

The social qualities of Judge Woods have won him many friends, both within and extraneous to professional circles, and his rich fund of knowledge, as combined with a genial personality, make him an approachable and companionable gentleman,—one who realizes the true values of life and recognizes how fatuous are pretentiousness and self-glorification. In his sixteenth year he became a member of the Presbyterian church, to whose general work and collateral charities he contributes a due quota. In his political adherency he is a stanch Republican, but no political preference has ever biased his judicial labors and actions. "He has a genius for the law," was the published expression of a prominent Indiana politician of opposing views in political matters. Courage, firmness, persistence in application, strength of will, tenacity of purpose, capacity for work and rugged honesty,—these are some of his dominating characteristics. He is recognized as a jurist of the highest integrity, careful and painstaking in research, deliberate and conservative in judgment. His sense of justice is strong and inviolable, and while his heart is tender, his sympathies are never misplaced. Whatever he may be off the bench, while discharging his duties he is strictly nonpartisan. Tyrian and Trojan are the same to him. His powers of reflection, naturally penetrating and comprehensive, have been matured and strengthened by years of experience. His record on the bench of the various courts stamps him as an upright judge, and in all things above reproach. Another federal judge in a public speech said of him: "Than whom no judge on any bench can see further or more quickly into any question." Such men honor their profession and dignify human nature.

Murray F. Tuley, judge of the circuit court of Cook county, is one of the best known jurists that Chicago has produced. A man of unimpeachable character, of unusual intellectual endowments, with a thorough understanding of the law, patience, urbanity and industry, he took to the bench, upon his election in 1879, the very highest qualifications for what is one of the most responsible offices in the system of our state government; and his record as a judge has been in harmony with his record as a man and lawyer, distinguished by unswerving integrity and a masterful grasp of every problem that has presented itself for solution.

Murray Floyd Tuley had come to this city from Kentucky, his native state. He was born in Louisville, March 4, 1827, a son of Courtney M. and Priscilla P. (Buckner) Tuley, both of whom were of English extraction. In 1832 his father died, and after eleven years of widowhood Mrs. Tuley married Colonel R. J. Hamilton, of Chicago. The future judge, at the time of his father's death, was but five years of age. He acquired his early education in the public schools of Louisville, and at the age of thirteen secured a position as clerk and errand boy in a country store. He improved his leisure hours in diligent study, and thus made considerable educational advancement by the time he was sixteen. In 1844, when seventeen years of age, he began reading law in the office of his stepfather, who took much pains to instruct him, and in 1846 he entered the Louisville Law Institute, where he remained for a year, pursuing his studies under the direction of three distinguished professors,—Duncan, Loughborough and Pirtle.

In the spring of 1847 Judge Tuley returned to Chicago and was admitted to the bar, but almost immediately thereafter he offered his services to the government and enlisted for the Mexican war, as a member of Company F, Fifth Regiment of Illinois Volunteers, of which Colonel Newby was in command. His ability was recognized by his election as first lieutenant of the company, with which he served until the close of hostilities. The brigade to which he was attached was under command of General Sterling Price, afterward one of the Confederate generals of the civil war, and his service was in New Mexico.

Judge Tuley determined to engage in the practice of his profession in New Mexico at the close of the war, and opened an office in Santa Fe, where he soon won an enviable reputation that led to his appointment, in 1849, to the position of attorney-general of the territory, in which capacity he served with much credit for two years. He was also a member of the legislature of New Mexico in 1853-4, and left the impress of his individuality upon the legislation and jurisprudence of the territory.

In 1854 Mr. Tuley returned to Chicago, where he engaged in practice for a time as a partner of Andrew Harvie. Later he was associated in business connection with Judge Gary and afterward with J. N. Barker. In 1869 he was appointed corporation counsel of the city of Chicago, which position he filled with marked ability, protecting the interests of the corporation in a way which added to his reputation as a lawyer and a citizen, who had the well being of this community at heart. He was the law officer of the corporation at the time of the great fire, and to his counsel and energetic action the people of Chicago are largely indebted for the successful spanning and bridging of the legal chaos in which the fire left them. He is essentially the author of the act of incorporation of cities in this state, under which Chicago is now acting; he framed this act, and it was largely through his influence that it was passed in the state legislature. After serving as corporation counsel for four years, Judge Tuley resumed the private practice of law in 1873 as a member of the firm of Tuley, Stiles & Lewis. In 1878 he was elected alderman of the first ward and was a leading member of the city council. In 1879 he was elected a member of the circuit bench, and has

won an enviable position thereon. He discharges the functions of his high office in the interests of right, and his decisions are clear, logical, and based upon law, of which he is an able interpreter.

The Judge was married in 1851 to Miss Catherine Edmonson, of Missouri, and since 1854 they have resided continuously in Chicago, where he has a large circle of social as well as professional acquaintances and friends.

John E. Kehoe is one of the younger members of the Chicago bar and has attained a position of distinction in the profession. He was born in Sangamon county, Illinois, on the 26th of February, 1867, his parents being Patrick and Margaret (Brannick) Kehoe. They were natives of Ireland and came to the United States in early childhood, locating near Syracuse, New York. The father came to Illinois when about sixteen years of age, taking up his residence in Sangamon county. After the inauguration of the civil war he enlisted in his country's service, in 1861, as a member of Company I, Fourteenth Illinois Infantry, which regiment was organized and commanded by General, then Colonel, John M. Palmer. Mr. Kehoe served as a private until the cessation of hostilities in 1865.

Reared in the county of his nativity, John E. Kehoe of this review acquired his preliminary education in the common schools of Waverly, and in 1884 entered Illinois College, at Jacksonville, in which institution he was graduated in June, 1888. Having determined to make the practice of law his life work, immediately after his graduation he entered the law office of General John M. Palmer, under whose direction he continued his reading until admitted to the bar, in Springfield, in November, 1890. He remained, however, in the General's office until the following year, when the latter was elected to the United States senate.

In 1892 Mr. Kehoe came to Chicago to accept a position in the law department of Armour & Company, with which corporation he remained for two years, since which time he has engaged in the general practice of law with offices in the Temple. He served as attorney for the town of West Chicago in 1897, and is the twelfth-ward chief of the Tammany Society of Chicago. His practice has been of a very important character, including connection with some of the leading litigation that has been heard in the courts of the western metropolis. He was one of the counsel for the defense in the second Luetgert trial and made one of the leading closing arguments. In speaking of this the Chicago Record said: "Logically marshaling his facts and presenting the bits of evidence for and against Luetgert in such a manner as to throw a favorable light upon the defendant's actions, Attorney John E. Kehoe began his argument for the defense. Pleasant-voiced, easy of manner, and concise in his statement of facts, he held the attention of the jurors throughout the day. His gestures were as few as those of Mr. McEwen, but he frequently laid more stress upon his words and showed the oratorical training of the collegian in the modulation of his tone. The speaker, in well chosen English, made a plea which even the attorneys for the state admitted was diplomatic and ingeniously argumentative." In this as in many other important cases in which he has appeared it may well be said that the greatest characteristic of his mind was strength, his predominant faculty

was reason, and the aim of his eloquence to convince. To an understanding of uncommon acuteness and vigor he added a thorough and conscientious preparatory training, and he exemplifies in his practice all the higher elements of the truly great lawyer.

Jacob R. Custer is a native of Pennsylvania, his birth having occurred in Chester county, on the 27th of May, 1845. His parents, David Y. and Esther (Rambo) Custer, were both born in Montgomery county, Pennsylvania, the former on the 26th, the latter on the 29th, of January, 1815. The father was a farmer and miller, and died in Pottstown, Pennsylvania, in March, 1895. His widow still survives, and maintains her home in that city. She was of Swedish, the father of German, lineage, and both were representatives of prominent families of the Keystone state. Members of the Custer family still own and occupy land which was granted their ancestors by William Penn and of which no conveyance by deed has been made. Others of the name removed to Ohio and founded the branch of the family to which General George A. Custer belonged. Peter Custer, the grandfather of our subject, was a native of Montgomery county, Pennsylvania, and bore arms in the war which brought to the nation her independence.

The public schools afforded to Jacob Rambo Custer his preliminary educational privileges, and then within the classic walls of an old historical educational institution at Trappe, Pennsylvania,—Washington Hall,—he continued his studies through the summer months from 1861 until the fall of 1864, devoting the winter season to teaching. For several months he was a member of the Pennsylvania militia, at the time of the invasion of the Keystone state and the battle of Antietam, in 1863. In the fall of 1864 he became a member of the sophomore class in Pennsylvania College, of Gettysburg, and in 1867 was graduated with third honors. The summer months passed and he then resumed study, but this time as a preparation for the bar, having determined to make the legal profession his life work. His preceptor was William F. Johnson, an able lawyer of Philadelphia, who directed his reading for a year, after which he was matriculated in the Albany Law School, of Albany, New York. Upon his graduation from that institution in May, 1869, he was immediately admitted to the bar of New York, but wisely chose the growing west as the scene of his future labors and in the fall of that year came to Chicago.

Steadily Mr. Custer has advanced until he now occupies an eminent position at the bar of the western metropolis, yet his progress has been made in the path which all must tread who seek professional preferment. Earnest study, close application, indefatigable energy and unfaltering determination,—these are the foundation of his success. He continued alone in business until June, 1879, when he formed a partnership with William J. Campbell, whose office he had shared for a year previous. This connection was continued with mutual pleasure and profit until the death of Mr. Campbell, March 4, 1896. On the 1st of July following Mr. Custer entered into partnership relations with Lester O. Goddard and Joseph A. Griffin, and the firm of Custer, Goddard & Griffin soon

won a place equally prominent with that occupied by the former firm of Custer & Campbell.

In 1880 Mr. Custer was appointed master in chancery of the superior court of Cook county, serving in that capacity until 1892, when he resigned. From 1882 until 1890 he served as the attorney for the sheriff of Cook county during the terms of Sheriffs Hanchett and Matson. He is known as a strong trial lawyer and able advocate, and his individual and associate clientage has been drawn from the larger and representative corporations and highest class of business men. He has given his attention entirely to practice in the civil courts. Among the most notable cases in which he has been retained we may consistently make specific reference to the following: the suits of Armour, Swift and Morris versus the Union Stock Yards & Transit Company and the Chicago Junction Railways and Union Stock Yards Company of New Jersey, for the purpose of enjoining the carrying out of an agreement under which the New Jersey Company was to pay Armour, Swift and Morris, upon certain conditions, three million dollars of its income bonds. Some of the most eminent counsel of Chicago, New York and Boston were engaged in this litigation, which was finally compromised. Mr. Custer was also connected with the numerous suits brought by Attorney-General Moloney against the Chicago gas companies for the purpose of dissolving an alleged trust; also with a number of the suits against the gas companies, within the same period, brought in the state and federal courts, for the purpose of preventing consolidation, for the appointment of receivers, etc. He also appeared in the suits brought before the railroad and warehouse commissioners for the purpose of procuring the revocation of the licenses of the public warehouses of Class A, in Chicago, for an alleged violation of the warehouse laws. He was also retained in the suits brought by the attorney-general to enjoin the public warehousemen of Class A from storing their own grain in their own warehouses and mixing it with the grain of others. In all of this litigation Mr. Custer appeared for the defendants.

On the 1st of December, 1879, Mr. Custer was married to Miss Ella A. White, daughter of Charles B. White, of Chicago, who was for many years a member of the firm of White, Swan & Company; extensive lumber dealers of this city. Mrs. Custer was born in Grand Rapids, Michigan, and by her marriage has had two children; but the only son died in infancy. The daughter, Esther R., is still with her parents, whose pleasant home at 3928 Grand boulevard is noted for its hospitality, which is frequently enjoyed by many friends. Mr. Custer is a valued member of the Union League and Calumet Clubs, but aside from the college fraternity, the Phi Kappa Psi, has belonged to no secret societies. The momentous questions which concern the weal or woe of the nation are of vital interest to him, and believing in the policy advocated by the Republican party he does all in his power to secure the adoption of Republican principles. He has, however, never been an aspirant for public office, preferring to give his undivided allegiance to the profession of law. Well earned honors crown his efforts in this direction, and he is no less esteemed as a citizen than

a lawyer, his kindly impulses and charming cordiality of manner having rendered him exceedingly popular among all classes.

Frederick Hampden Winston has been for thirty-five years a distinguished member of the Chicago bar, but is now living a retired life. He is a native of Georgia, his birth having occurred in Sand Hill, Liberty county, in 1830. His parents, Rev. Dennis M. and Mary (McIntosh) Winston, were the owners of a number of slaves, but becoming imbued with the idea that slavery was wrong they removed to Woodford county, Kentucky, and there liberated their negroes. This disposal of their property largely diminished their capital, and when our subject was left an orphan at the age of twelve years his inheritance was very small save in the strong character, noble principles and honorable name which they left to him.

However, he was educated in excellent private schools of Kentucky until sixteen years of age, when he entered upon his business career. He returned to Georgia with the intention of engaging in the cotton trade, then the principal industry of the south, and during the succeeding two years devoted his energies to mastering the trade of manufacturing cotton goods. In 1848 he was joined by others in organizing a company for the purpose of manufacturing cotton cloth, and by the company was sent to New York to superintend the construction of the needed machinery, but in 1850, when this task was completed he found the capitalists in the south were becoming very wary of making investments, and accordingly he abandoned the idea of devoting his energies to manufacturing and turned his attention to the law. After six months preliminary study in the office of the United States senator, Hon. W. C. Dawson, he matriculated in the law department of Harvard College. After his graduation in 1852 he spent six months in adding to his theoretical knowledge a good practical experience in the office of Hon. William M. Evarts, the most distinguished lawyer of New York.

In 1853 Mr. Winston removed to Chicago, and after a few months formed a partnership with Norman B. Judd, a distinguished legist of that day. At different times he has since been associated with Mr. Frink, Henry W. Blodgett and his son, Frederick S. Winston, and through all the years of his active connection with the bar he maintained a foremost place among the brilliant representatives of the legal profession in Chicago. He was especially prominent in that branch of jurisprudence known as railway law, and for many years was chief general counsel for the Lake Shore & Michigan Southern, the Chicago, Rock Island & Pacific, and Pittsburg, Fort Wayne & Chicago Railroad Companies. After about thirty years of active practice, embracing service in the highest courts, Frederick H. Winston retired from the bar in 1885, and was succeeded in his large practice by his eldest son, Frederick S. Winston.

For years Mr. Winston was an active leader of the Democracy, and though he had often been urged to accept nominations for high offices, he for the first time became an office-holder after his retirement from the bar, when he accepted President Cleveland's appointment as minister to Persia. This enabled him not only to perform an important public service, but also to carry out his long cherished plan of traveling in the orient. In 1886 he resigned his official

position in Persia and spent considerable time in traveling through Russia, Scandinavia and several other countries. Upon his return to Chicago he embarked in various business enterprises, the most notable being the Union Stock Yards Company, of which he became president. He was also one of the organizers of the Lincoln National Bank and long served on its directory. For twelve years three Republican governors kept him in the presidency of the board of Lincoln Park commissioners. Socially he is well known and is a valued member of the Germania Männerchor, the Union Club, the Chicago Club and the Iroquois Club. While in Charleston, in 1894, he was elected a member of the Society of Cincinnati, and in Boston, the same year, was elected a member of the Order of the Colonial Wars.

On the 20th of August, 1855, Frederick Hampden Winston led to the marriage altar Miss Maria G. Dudley, a daughter of General Ambrose Dudley, of Frankfort, Kentucky. Her death occurred in 1885, leaving six children, five of whom are living and occupying prominent position in the public and social life of this city. In 1887 Mr. Winston was united in marriage with Miss Sallie Reeves Hews, of New Orleans, Louisiana.

Azel F. Hatch.—The names of few men are more familiar to Chicago's population of nearly two million than that of Mr. Hatch, on account of his active and distinguished association with the professional and educational interests of the city. As president of the board of directors of the public library, in which capacity he served from 1896 to 1898, he exerted an influence on the public life that is immeasurable, for the literature with which the public is familiar probably has more to do with molding the lives and forming the characters of individuals than any one agency. At the bar he fully sustains the majesty and dignity of a profession which stands as the conservator of human rights and liberties, and in social life he commands that respect which is ever unreservedly accorded genuine worth.

Mr. Hatch was born in Lisle, Du Page county, Illinois, September 6, 1848, and is a son of James C. and Charlotte D. (Kidder) Hatch, natives of New Hampshire. The father was born May 28, 1806, and came to Illinois in June, 1833, locating in Lisle, Du Page county. While on his way to that town he stopped at a hotel in Chicago, where he was robbed of all his money. The thief was caught, and Mr. Hatch retained the late John Dean Caton to prosecute in the trial, which was the first criminal case upon the docket of Cook county. James Hatch was prominently identified with the development and up-building of the county in which he located, and in 1850 he served as census commissioner of Du Page county. He is still a resident of Lisle, but his wife died in 1872 in that village.

Azel F. Hatch attended the public schools of his native town until sixteen years of age, and then prepared for college in Oberlin, Ohio. He accomplished the first three years' work of a collegiate course in Oberlin College and then spent one year in Yale College, where he was graduated in the class of 1871. For one year thereafter he was principal of the schools of Sheboygan, Wisconsin, and in 1872 came to Chicago, where he entered upon the study of

law in the office of Shorey & Norton, being admitted to the bar in October, 1874. In 1880 he was licensed to practice before the supreme court of the United States. Although corporation law is properly his specialty, his knowledge of the law and its practice is very wide. He has been connected with some of the most important litigation that goes to form the judicial history of the state, and was the attorney for the commissioners whose duty it was to organize and put on a successful footing the World's Columbian Exposition. He was called upon to decide all legal questions arising, arranged its statutory declarations and its legal organization, and arranged for and superintended the balloting for the election of directors of a corporation whose shareholders numbered twenty-eight thousand. He had charge of the initial meeting of the stockholders, held April 4, 1892, at Battery D, on which occasion there were fifteen hundred persons present owning stock.

In 1880 Mr. Hatch was united in marriage to Miss Grace H. Greene, who died April 20, 1886. In June, 1894, he wedded Miss Elizabeth W. Wright, of Northampton, Massachusetts. He is a popular and prominent member of various clubs, including the Union League, Chicago Literary, University, and the Chicago Press Clubs, together with the Chicago and State Bar Associations. In politics he is a gold Democrat. His connection with the public library covers the period from 1890, when he was appointed a member of the directorate, and in 1896 he was elected president of the board. It was during his incumbency that the plans for the splendid public-library building were consummated and the structure completed, at a cost of two million, one hundred and twenty-five thousand dollars, which amount was within the appropriation made for the purpose. Mr. Hatch was particularly engaged in securing the passage of the legislative measure necessary to the erection of the building, and to his efforts as much as to any other one man the magnificent library of the city is due, standing as a monument to the enterprise and untiring labors of some of the most progressive, far-seeing and broad-minded men of the metropolis, of whom Azel F. Hatch is one.

Elbridge Hanecy.—To indulge in prolix encomium of a life which is eminently one of subjective modesty would be palpably incongruous, even though the record of good accomplished and of high relative precedence attained might seem to justify the utterance of glowing eulogy. He of whom we write is a man of marked ability and vitally instinct with the deeper human sympathies; and yet he shuns everything that partakes of compliment or self-aggrandizement, and in this spirit would the biographer wish to have his utterances construed.

Judge Hanecy was born in Wisconsin, on the 15th of March, 1852, and is a son of William and Mary (Wales) Hanecy, who were natives of Massachusetts, from which state they removed to Wisconsin about 1850. The father served in the Mexican war as a non-commissioned officer and was engaged in mercantile pursuits in Springfield, Massachusetts, prior to his removal to the west. On his arrival in Wisconsin he purchased a tract of land in Dodge county, where he carried on agricultural pursuits until his death, in 1852.

The mother afterward married Albert Littell, who served in the war of the Rebellion and died while on his way home, after the close of hostilities.

The Judge acquired his preliminary education in the common school of his native state and afterward pursued his studies in the College of Milwaukee. Reading and study has ever been with him a source of delight, and he is a man of broad general information.

His connection with Chicago dates from 1869, when he came to this city and accepted a position with the firm of Field, Leiter & Company, with whom he remained until the memorable fire of 1871. He was afterward with John V. Farwell & Company for a short time; but, wishing to enter a broader field of labor and one more congenial to his tastes, he engaged in the study of law in the office of Hervey, Anthony & Galt, under whose preceptorship he continued his preparatory reading until his admission to the bar, September 11, 1874, when he immediately entered upon the practice of his chosen profession. In 1889 he formed a partnership with George P. Merrick, who had formerly been a law student in his office, and the firm of Hanecy & Merrick continued at the head of an extensive and successful law business until the election of the former to the circuit bench. In his profession he is an untiring worker, and while in active practice prepared his cases with the utmost regard to the detail of fact and the law involved. He never lost sight of even the most minor point which might advance his clients' interest, and at the same time gave full weight to the important point upon which the decision finally turned. His argument was incisive and logical, his enunciation clear and decided, and his delivery strong. He stooped to no questionable methods, was fair and just to the opposition, and won the sincere respect of the members of the bar. On the bench his administration has been uniformly marked by commendable dignity and the most scrupulous regard to justice. He looks upon the law as a system of social and political philosophy, and not as a collection of arbitrary rules founded on technical distinction. His style as a judge is clear, accurate and concise, and in reading his opinions no doubt is left on the mind as to the point decided. His language is chaste and forcible, while his composition is a model of judicial statement. He sat as a law judge from December, 1893, until July, 1895, when he was assigned as a chancellor of the circuit court, which position he held until September, 1897. He was three times elected umpire of the board of arbitration, the second and third years unanimously, for the adjustment of differences between the Bricklayers' and Stonemasons' Associations and their employers,—a fact that shows how greatly his fair-mindedness is regarded in the community.

On the 1st of March, 1876, the Judge was married to Miss Sarah Barton, a daughter of William A. Barton, and they have six children,—Olive, Edith, Ruth, Myra, Hazel and Harriette. Their only son is deceased. The Judge is prominently identified with a number of social clubs, including the Union League, Chicago Athletic and Washington Park Clubs, the Veterans' Union League and the Hamilton Club. He is especially interested in the welfare and





Wm. Lawrence

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progress of the city and gives to all measures for the general good support of a public-spirited and broad-minded citizen.

John C. King is a talented and successful lawyer, now the senior of the law firm of King & Gross, with offices at No. 89 East Washington. He was educated in Cincinnati, Ohio, completing his literary education at Mary's College, in 1871. After the completion of his collegiate education he was engaged in teaching school in Cincinnati for one year, and during that time attended lectures at the Union College of Law, ex-Governor Hoadly being one of the instructors of the institution. Mr. King was admitted to the bar in Cincinnati in 1873, and for five years thereafter was a member of the firm of Morrow & King.

In 1878 Mr. King came to Chicago, was admitted to the bar of Cook County, and for twenty years has maintained a foremost place in the profession of the city. From 1880 until 1895 he was largely engaged in the practice of criminal law and tried more than one hundred murder cases, in each instance saving his client from the gallows. He never loses sight of a single point in a case, and advances the interests of his clients, and at the same time gives to each case the importance, never failing to keep in the foreground the main point at that upon which the decision of a case finally turns. He has splendid natural powers, is earnest, eloquent, forceful and logical, and while touching the emotions of his hearers he never fails to convince their intellects at the same time. Since 1895 he has practically retired from the practice of criminal law and gives his attention to civil litigation. He has a broad and comprehensive knowledge of all departments of jurisprudence, and in the various departments of civil law has also won some notable victories which entitle him to rank among the distinguished men who devote their energies to such practice. It was in 1891 that Mr. King formed a partnership with Alfred H. Gross, under the firm name of King & Gross, a connection that has now continued for mutual pleasure and profit for seven years.

Adams A. Goodrich is accorded a distinguished place among the representative American jurists, having gained an eminent position at the bar of the second city in the Union. His abilities, natural and acquired, well adapted to his chosen calling. He has that cast of mind,—an indispensable attribute of the successful lawyer,—which enables him to recognize beneath the exterior or surface formation the structural elements, and to determine the flexible laws which underlie all things. It is this keen analytical power which forms the foundation of success for every one who would gain distinction in the greatest of all the learned professions, and it is a power which Mr. Goodrich possesses in an unusual degree. Careful preparation, earnest purpose, and above all a realization of the fact that to the law one must look for the protection of life and property are also conspicuous elements in the professional career of him whose history we now essay.

Born in Jerseyville, Jersey county, Illinois, on the 8th of January, 1839, Mr. Goodrich represents one of the pioneer families of the state, his father being Henry O. Goodrich, having located in Jersey county in 1839. He after

married Miss Jane A. Knapp, and it was through the assistance of his maternal uncles that Mr. Goodrich got his start in life. He was educated in the public schools of Jerseyville until sixteen years of age, when, through the appointment of his uncle, A. L. Knapp, then representing Illinois in congress, he entered the military academy at West Point, where for three and a half years he received the military and mental drill imposed by that institution. On account of ill health he was then forced to go to the west, where for two years he traveled in search of health. Returning then to his native town he decided to make the practice of law his life work and directed his energies to that end. His initiatory studies were pursued in the law office of his uncle, Robert M. Knapp, of Jerseyville, and later he continued the reading in the office of his uncle, Hon. A. L. Knapp, of Springfield. Upon examination by the supreme court at the capital city he was admitted to the bar in 1873 and at once opened an office in the city of his nativity.

No matter what wealth one may possess individually, or how fortunate he may be in his ancestral connections, progress at the best can be secured only through individual merit; and so, applying himself to his chosen work with unremitting ardor and zeal, Mr. Goodrich steadily advanced and soon left the ranks of the many to stand among the successful few. Upon his admission to the bar he did not cease to be a student, but has continued an extensive research in the realms of jurisprudence until its foundation principles and supplementary laws are found in the storehouse of his memory so well classified that time is never squandered in a search for the needed proof to apply to a controverted point. After some years successful private practice in Jerseyville, during which he secured a good clientage, Mr. Goodrich was elected state's attorney in 1878, and again in 1880 and 1884. In October, 1887, he resigned that position, having been nominated for the office of county judge, to which he was elected. During his term on the bench he opened an office in Chicago, and in August, 1889, removed to this city, where he has since made his home.

Mr. Goodrich has won high honors at the Chicago bar and is also well known to the profession here as a judge, having occupied the bench of Judge Prendergast during the latter's official term. Thus he acted as judge of Cook county, and his fitness for judicial duties was most marked. The judge on the bench fails more frequently, perhaps, from a deficiency in that broadmindedness which not only comprehends the details of a situation quickly, but also insures a complete self-control even under the most exasperating conditions than from any other cause; but Mr. Goodrich was equal to all such demands. He was for the period of one year attorney for the drainage board, but resigned that position in order to devote his time to his large private practice. However, after handing in his resignation, he was called upon by his successor to assist in many complicated condemnation suits.

Judge Goodrich maintains membership relations with the Masonic, Knights of Pythias and Odd Fellow fraternities, having attained the Knight Templar degree in the first named, the Encampment degree in the last. His political support is unswervingly given the principles of Democracy, but political honors

and offices have had little attraction for him. He was appointed one of the three inspectors of the Chicago bridewell, and does all in his power to ameliorate the condition of the unfortunate people there. His interest in the welfare, progress and moral and material advancement of the city is deep and sincere, and his efforts in its behalf are not without result.

Edwin Walker.—It is not an easy task to delineate adequately the character and labors of a man who has led an eminently active and busy life and who has attained to a position of high relative distinction in the more important and exacting fields of human endeavor. But biography, nevertheless, finds its most perfect justification in the tracing and recording of such a life history. It is, then, with a full appreciation of all that is demanded, and of the painstaking scrutiny that must be accorded each statement, and yet with a feeling of significant satisfaction, that the writer essays the task of touching briefly upon the details of such a record as has been the voice of the character of the honored subject whose life now comes under review.

In reverting to the genealogy of our subject we find that he is descended from a long line of sturdy, intelligent and honorable ancestors, and that in both the lineal and collateral branches representatives have been prominent in the history of the nation,—the family identification with the American colonies dating back, in certain instances, to a period antecedent to the war of the Revolution. Edwin Walker, the well known corporation lawyer, is a man of distinguished professional attainments, holding marked prestige at the bar of the nation. No class of American citizens has or will wield a more potent influence upon the advancement and stable prosperity of the nation than the skilled and honorable lawyers,—the conservators of the eternal principles of right and justice. In a compilation of this nature there is peculiar propriety in according distinctive recognition to him whose name initiates this article.

Edwin Walker was born in Genesee county, New York, in the year 1832, being the son of Obadiah and Phoebe (Cushman) Walker, the former of whom was a native of New Hampshire and the latter of Massachusetts,—both representing families notable for mental and physical vigor. The father remained in the old Granite state until about the age of eighteen, when he removed to the central part of the state of New York, where he continued to reside until his death,—a period of nearly three-quarters of a century. He was a man of marked individuality and strong intellectual powers, devoted his active life to agricultural pursuits and was an influential factor in his section of the Empire state. Dominated by the highest principles of integrity and honor, he retained the esteem and confidence of his fellow men, and his life was prolonged to the unusual age of ninety-two years, his death occurring in 1887. Loyalty and patriotism were among his pronounced characteristics, of which he gave distinct evidence by rendering active service in the war of 1812. The mother of the immediate subject of this review died when he was a child of but three years.

Reared on the parental homestead in Genesee county, Edwin Walker was accorded the advantages of as thorough an academic education as the place and period afforded, and at an early age he formulated his plans for the future,

turning his attention to that profession in which he has attained such distinctive honors and success. He pursued his technical studies under effective preceptorship at Batavia, New York, and in 1854, at Buffalo, was admitted to the bar of his native state. Soon after his admission he came to the west, locating in the city of Logansport, Indiana, where he was engaged in the practice of his profession until 1865. At the very initiation of his specific career he recognized that the law demanded of its votaries a definite and undivided fealty, and he wisely and steadily set aside the alluring overtures for his acceptance of political preferment, and by close application and assiduous toil soon attained prominence at the Indiana bar, during his residence in which state he laid well and securely the foundations upon which has been erected the superstructure of his distinguished professional reputation and precedence. In 1860 he was appointed general solicitor of the Cincinnati, Richmond & Logansport Railroad Company. In 1865 this road was extended to Chicago, under the name of the Chicago & Great Eastern Railroad Company, whereupon the general offices of the company were removed to Chicago, of which budding metropolis Mr. Walker thus became a resident. From that early date he has continued in the active practice of his profession in Chicago. In 1870 the Chicago & Great Eastern was merged into and became a part of the Pennsylvania system, Mr. Walker retaining his connections with the legal department until 1883. In 1869 he was appointed general solicitor of the Chicago, Danville & Vincennes Railroad Company, and in 1870 was made the Illinois solicitor of the Chicago, Milwaukee & St. Paul Railroad Company, with which system he has been thus intimately associated for more than a quarter of a century. He is also retained as special counsel for several insurance companies and other important corporations.

Mr. Walker has been so long and prominently connected with railroads, that he is most widely known as a corporation lawyer, and his reputation as such is of the highest order. He has appeared prominently in most of the important railway litigation in our state and federal courts, and his skill and ability are attested by so many reported cases that he has become an authority upon the varied and intricate questions of corporation law. Two railway cases in which Mr. Walker was engaged as counsel are of such prominence as to demand special mention in this connection. The first resulted in the acquisition by the Chicago, Milwaukee & St. Paul Company of the Chicago & Pacific Railway. In 1876 the last mentioned company, having defaulted in the payment of interest on bonds, found its affairs had reached a critical standpoint. A bill to foreclose the mortgage and to provide for the appointment of a receiver was filed in the United States circuit court for the northern district of Illinois. It became apparent at once that the other railroad companies desired and would make a strenuous effort to become the owner of the property under the foreclosure proceedings, and among them the Chicago, Milwaukee & St. Paul Company, of which Mr. Walker was then solicitor for Illinois. Under his advice and direction the St. Paul Company purchased about fourteen thousand dollars of the first-mortgage bonds, and without disclosing the ownership Mr.

Walker became a party to the proceedings by intervention. A decree of foreclosure was entered and, upon his motion, provided for statutory redemption. At the sale under the decree, in the interest of his client, he bid for the property about nine hundred and fifty thousand dollars, but John I. Blair, of New Jersey, was the successful purchaser. Under the decree, and in accordance with the statutes of the state of Illinois, the Chicago & Pacific Company, as defendant, could redeem the property from the sale within one year, upon the payment of the amount bid, together with eight per cent. interest thereon. Within a year Mr. Walker purchased for the St. Paul Company substantially all the capital stock and also all the judgments against the Chicago & Pacific Company. A special meeting of the stockholders was called, and by vote they authorized the lease of the road to the Chicago, Milwaukee & St. Paul Company, and also the execution of a new mortgage to secure a new issue of three millions of bonds upon the property. Mr. Walker had been elected president of the Chicago & Pacific Company, and with money furnished by the St. Paul Company redeemed the property from sale under the decree. The lease was executed, the St. Paul Company entered into possession, completed the road, and now it is one of the principal lines of that system. This figures as the only case of the redemption of a railroad and all its property from sale under foreclosure decree by, or in the name of, the bankrupt defendant company.

The other case to which we wish to make reference was the foreclosure of the mortgage of the Chicago, Danville & Vincennes Railroad Company, of which Mr. Walker was general solicitor. In 1874 the owner of nine of the first-mortgage bonds filed his bill in the circuit court of Will county, and, upon ex parte proceedings, had a receiver appointed, and was placed, by order of the court, in possession of the property. The bill made the trustees under the mortgage, as well as the railway company, parties defendant. An act of congress, defining the jurisdiction of the federal courts and providing for the removal of causes from state to federal courts, was passed by congress and was approved on the 3d of March, 1875. Mr. Walker, believing that the cause was removable under this act, prepared a petition, following as closely as possible the provisions of the law. The circuit court of Will county was not then in session, but the petition was filed with the clerk, and a transcript of the record requested. This was immediately prepared and was filed in the office of the clerk of the federal court. A motion to remand was interposed by the plaintiff's counsel, and the motion was heard by the late Hon. Thomas Drummond, who was then circuit judge. After full argument, the court overruled the motion to remand, and held that the cause was removable under the act of congress, and that the petition and bond followed substantially the requirements of the act. This was probably the first removal under the act of 1875, and Judge Drummond's construction of the act was the first considered by any court; his construction has been recognized as the law under that act until the present date. Subsequently the trustees under the first mortgage filed a bill to foreclose, and upon motion the receiver appointed by the state court was removed and a new receiver appointed under the bill filed in the federal court.

A decree of foreclosure was entered in 1876, the property was sold thereunder and was conveyed by the purchasers to the present Chicago & Eastern Illinois Railroad Company. Mr. Walker, as solicitor for the railroad company and the trustees under the second trust deed, appealed from the decree to the supreme court. The supreme court reversed the foreclosure decree of the circuit court and the order of sale under the decree. The Chicago & Eastern Illinois had been in possession of the property for about five years before the decree of reversal was entered. The cause was remanded and the litigation was continued by all parties in interest until 1884, when a compromise was effected between the Chicago & Eastern Illinois Company and the clients of Mr. Walker, and the title of the former to the property thereby perfected. Very many of the railroads of the country were seriously affected by the panic of 1873, resulting in the default in payment of interest on their bonds, and in the foreclosure of mortgages, with eventual reorganization of new companies by the purchasers. In all this litigation the foreclosure case of the Danville Company was a leading case, and the rulings and orders entered in such cause by Judge Drummond were followed generally by other courts throughout the country, and finally sustained on appeals to the supreme court of the United States.

Mr. Walker's ability, skill and tact as a trial lawyer were, perhaps, never more thoroughly demonstrated than in the divorce case of Carter versus Carter, where he was retained as leading counsel for Mr. Carter. His masterly cross-examination of Mrs. Carter, extending over two days, probably did more than anything else to win for his client the verdict of the jury. His manner in the conduct of a case is always cool and self-possessed, very quiet and deliberate, and he conducts the examination of a witness in an easy, conversational tone which usually results in eliciting the truth from the most obstinate witness. Nothing that opposing counsel can say, even though meant to annoy and irritate, can swerve him from the point at issue, and whatever may be the answer of a witness, however evasive or plausible, unless satisfied that it is substantially the truth, Mr. Walker returns to the attack, approaching the witness on an unguarded side, and usually brings forth a correct statement of the facts. In the presentation and argument of his cases before the courts nothing is more remarkable than the wonderfully deep penetration of his intellect, as shown in the masterly way in which he surveys the controversy as a whole, grasps its salient features and marshals all its details in logical order and in one comprehensive review. The clearness and force with which he states a case from his own point of view leaves nothing in doubt, and this very clearness takes the minds of his hearers forward with a persuasiveness which is almost convincing. Not less remarkable is his keen and acute skill in analytical reasoning and in logical argumentation; and of this every one of his oral addresses to the court, and each of his printed arguments in cases on appeal before the courts of last resort, gives abundant proof. These qualities have long been conspicuous in Mr. Walker's court work, and have gained for him the very highest standing as a lawyer, not only at the Chicago bar, but in the supreme court of the United States. In the many important railway and other litigations in which he has

been concerned, he has sometimes had opposed to him the most eminent corporation lawyers in the country; and all who have encountered him in the arena of forensic debate have had occasion to acknowledge the soundness of his judgment in dealing with large and important interests, and the uniform fairness which has characterized his attitude toward the other side. He never takes unfair advantage of his adversary, and never mistakes personalities or sharp saying for argument, but makes every attempt to meet the argumentum ad hominem to himself with a dignified rejoinder, which makes an impression all the more favorable to himself in the mind of the listener. In the words of one of the ablest leaders of thought in the present age, "In controversy his disciplined intellect preserves him from the blundering discourtesy of less educated minds, who, like blunt weapons, tear and hack instead of cutting clean; who mistake the point in argument, waste their strength on trifles, misconceive their adversary, and leave the question more involved than they found it. He may be right or wrong in his opinion, but he is too clear-headed to be unjust; he is simple as he is forceful, and brief as he is decisive." The justice of this characterization as applied to Mr. Walker will at once be recognized by his associates at the bar, since they have many times over had to admire the absolute candor and consideration with which it is his wont to treat them in the utmost heat of legal controversy.

In his arguments before the courts and juries Mr. Walker attempts no rhetorical flourishes or oratorical effects, but his language is singularly well chosen and graceful, and though he rarely refers to notes, he always has a remarkable command of his case, and his arguments are interesting even to a non-professional listener. In talking to a jury he becomes to a certain extent a *thirteenth* juror, and reasons with them upon the facts in the case in a plain and effective manner. No man at the Chicago bar has ever enjoyed the confidence of the judges in a greater degree than Mr. Walker, and even jurymen who have never seen him before seem to become impressed with the conviction that his statements of both the law and the evidence are to be relied upon. In general practice Mr. Walker has held at all times a large clientage, being retained by many of the leading railroad companies of the country in special cases, and by many other large corporations. Of his connection with that magnificent triumph of the age, the World's Columbian Exposition, it is incumbent that we speak specifically, since he was not only one of its foremost promoters and efficient workers, aiding materially in securing to Chicago the honor of its location within her borders, but was conspicuously concerned in defining its policies and in handling its interests in the various litigations incidentally encountered.

Probably as complicated a piece of legal and corporate machinery as was ever created, and as comprehensive in the scope of its relations, was the World's Columbian Exposition, which closed its brilliant and successful career late in the year 1893, apparently undisturbed by one of the worst financial panics in the history of America. The marvelous range of its relations, the wonderful diversity of its interests, and the remarkably small number of instances of con-

flicting powers, through all the mazes of legislation and administration of so vast an enterprise, are not more worthy of consideration and record than is the skill that could so successfully master the great problems and pilot the enterprise through its most dangerous storms to a successful issue. Some of its most trying situations were the result of legal complications,—complications so serious that at one time they threatened to involve the federal and state courts in a conflict over jurisdiction; and for a period of a few days the directors of the exposition found themselves commanded by the state courts to open the gates on Sunday, and at the same time commanded by the federal courts not to open the gates on Sunday. It was in critical situations of this nature that the services of Edwin Walker were confidently relied upon by all connected with the exposition, and throughout the whole period covered by the exposition it required not only his ability as a lawyer, but his tact as a man familiar with the affairs of business and with the management of men, to overcome and avoid the difficulties and legal impediments incidental to so gigantic and unusual an enterprise.

Mr. Walker was one of the early promoters of the exposition, and during its period of organization he took an active part and was elected its temporary president. When the time came for the necessary national laws and the choice of a location for the great undertaking, Mr. Walker was made chairman of the subcommittee on legislation, and had charge of the work in Washington while congress was making its choice. After Chicago was chosen he was made chairman of the committee to draft and frame necessary legislation, and afterward became a director, chairman of its legislative committee, and member of both executive and conference committees. He was at the forefront in all the litigation touching the exposition, guiding its legal matters through with unprecedented finesse and discrimination. His association with this litigation was so intimate and valuable, that it is but consistent that there be reproduced in this connection his own record of the complications encountered and successfully overcome.

While he has been thoroughly devoted to his profession, Mr. Walker has also been identified with numerous business enterprises. More than a quarter of a century ago he formed a copartnership with Colonel W. P. Rend, in the coal and transportation business, and the firm of W. P. Rend & Company is one of the best known in the west, operating extensively in Ohio and Pennsylvania. The relations of these two men have been of the most intimate character, and during their long copartnership nothing has occurred to mar the friendship formed so many years ago. Mr. Walker has many other financial and business interests of importance, but to these it is scarcely necessary to refer in detail.

Though staunchly arrayed in the support of the Republican party and its principles, he wisely discriminates between the exigencies and differing necessities of local and national affairs, and he has always been ready, regardless of politics, to join with independent citizens in movements to secure the correction of local abuses in the administration of municipal affairs. He has been signally

averse to political preferment and party strife, and has invariably refused to become a candidate for public office, preferring to devote his attention, with absolute singleness of purpose, to the profession in which he has attained marked prestige and success. A thorough and devoted churchman of the Protestant Episcopal church, Mr. Walker is a communicant of Grace church in Chicago, and for more than a score of years he has been a member of its vestry, while for a number of years he has been senior warden,—an incumbency which he retains at the present time. To this important parish and to the work of the church at large, as touching "all sorts and conditions of men," the services and judgment of Mr. Walker have been invaluable.

To only those who have the privilege of knowing Mr. Walker intimately in his private and social relations can there come a full appreciation of the innate worth of his character. Endowed by nature with a superior intellect, his mind has been cultivated not only by reading, study, literary occupations and extensive travel, but also in the vast and varied experiences of the great school of life. His manners are easy, dignified and refined, and he has that "graceful tact and Christian art" which win the respect, esteem and admiration of all who know him, while for those "in any way afflicted, in mind, body or estate," his sympathy is ever quick, constant and helpful. The perfect fairness and uprightness of his disposition, to which we have already alluded in speaking of his conduct in the management of litigations, are exhibited by him in the varied affairs of life, and make friends of those who through circumstances have been placed in hostile relations to him. The rare qualities and splendid traits which designate the true Christian gentleman appear in all his intercourse with his fellow men. His kindliness, tender sympathy for the poor and distressed, and his lifelong fidelity to friendship have attracted to him a wide circle of friends in the city where he has passed the greater portion of his life and where he is regarded as one of its representative and valued citizens.

In the year 1857 Mr. Walker was united in marriage to Miss Lydia Johnson, daughter of Colonel Israel Johnson, a prominent merchant and honored citizen of Logansport, Indiana. She lived but two years after their removal to Chicago, but during the few years of their married life she became endeared to a large circle of friends, and promoted in every possible way the success of her husband. Of this union three sons were born. The two eldest, Edwin C. and J. Brandt, are married and have pleasant homes in Chicago. They are successful commission merchants, being associated together in business, under the firm name of Walker & Company. The youngest son, William Earl, a boy of great promise, died in his twenty-first year, at the commencement of his senior year at Yale College. His scholastic attainments were of a high order, and he was being carefully educated and trained for the legal profession. In 1870 Mr. Walker consummated a second marriage, being then united to Mrs. Desdemona Kimball, daughter of Major Samuel Edsall, one of the oldest and best known citizens in the public and social life of Fort Wayne, Indiana. Few women in Chicago have a larger circle of social and admiring friends than Mrs. Walker, who presides with dignity and gracious refinement over the pleasant home,—made the

more attractive by the presence of her two daughters, Misses Alma L. and Louise E. Kimball. Although a member of many prominent social clubs of the city, Mr. Walker finds his greatest solace and satisfaction with his family and friends at his attractive home on Michigan boulevard, participating in such social functions as his professional and other duties will permit. He has traveled extensively throughout the United States and abroad, and is constantly forming new friendships and associations. Though now (1898) nearing the psalmist's span of three-score years and ten, Mr. Walker has maintained to an exceptional degree his physical vigor, and gives no evidence of waning powers, save that he has to have more frequent recourse to travel and rest, thus relieving himself in a measure from the manifold cares and responsibilities which have ever attended his wonderfully active and useful life.

George Cook Fry was born in Selinsgrove, Pennsylvania, September 30, 1846, and is a son of Conrad J. Fry, who in 1856 came with his family to Illinois, locating in Freeport. The subject of this review attended the public schools there, and in 1864 entered the University of Michigan, in which institution he was graduated with the class of 1868. In the same year he began the study of law in the office of Bailey & Brawley, of Freeport, the members of the firm being the Hon. Joseph M. Bailey, afterward a member of our supreme court, and the late F. W. S. Brawley. During the winter of 1868-9 Mr. Fry taught school, but at the same time continued reading law under the direction of the above named firm. After passing an examination he was admitted to the bar by Judge Sheldon, at Freeport, in August, 1869, and the same month came to Chicago as a clerk in the employ of Bailey & Brawley, who then removed their office to this city. He remained in the employ of that firm until shortly after the great fire of 1871, when, Judge Bailey being elected to the circuit bench, Mr. Fry entered into partnership with Mr. Brawley, with whom he was associated for two years. From 1883 until 1888 he was in partnership with George S. House, now of Joliet, and for the next five years was associated with James E. Babb, one of the brightest of our younger lawyers. Mr. Babb then removed to Idaho, on account of ill health. Mr. Fry's present partner is James W. Hyde, formerly of Freeport. The firm has pleasant offices in the New York Life Building, and does a general practice, having a fair share of the public patronage.

Mr. Fry shows the versatility of his legal powers by his successful conduct of various important cases of different kinds, and is known as a hard-working, painstaking lawyer. He usually gives his political support to the Republican party, but is not a strict partisan. He belongs to the Douglas, Kenwood and Union League Clubs.

In 1874 Mr. Fry was united in marriage to Miss Sue M. Lawver, of Freeport.

William Prentiss comes of a long line of lawyers, statesmen and soldiers. On the paternal side he is descended from Scotch and English ancestors who came to America at an early epoch in our country's history and located in Massachusetts. Stanton Prentiss, the paternal great-grandfather of our subject, was a Revolutionary soldier and had charge of the La Fayette wagon train

during that momentous struggle for independence. The grandfather, William Prentiss, was a soldier in the war of 1812, and the diary which he kept during that period is now in possession of his grandson and namesake. Samuel Prentiss, a collateral relative, was United States district judge of Vermont for many years and was also United States senator from that state. George D. Prentice, the poet and brilliant editor of the Louisville Journal, was also of the same family, although the names are spelled differently. On the maternal side William Prentiss of this review is of Irish and German ancestry, and his great-grandfather, whose name was McGee, came from Ireland to the New World shortly before the Revolutionary war, in which he patriotically served under command of General Nathaniel Greene.

William Prentiss was born in Davenport, Iowa, September 19, 1848, and during his infancy was taken by his parents to Schuyler county, Illinois, whence the family removed shortly afterward to Vermont, Fulton county, where the father, who was a physician, died in 1854. In 1860 the mother married James Manley, a farmer of McDonough county, Illinois, and upon the farm of his stepfather Mr. Prentiss soon became familiar with all the duties and labors that fall to the lot of the agriculturist. He assisted in the cultivation of the fields through the summer months and attended the district schools in the winter season, and subsequently he continued his education in a seminary in Abingdon, Illinois, in the State Normal School, at Normal, and in Knox College, of Galesburg; but before the time of graduation his health failed and he was obliged to abandon his college course.

In 1869 Mr. Prentiss removed to Minnesota for the benefit of his health and remained in that state for seven years. From the government he entered a tract of wild land which he transformed into a good farm, and in connection with his farming operations while in Minnesota he also taught school, and for three years was superintendent of schools of Cottonwood county. He also began the study of law while there, borrowing books from the Hon. Daniel Buck, of Mankato, now a member of the supreme court of Minnesota. In 1876 he returned to Illinois, locating in Macomb, the county seat of McDonough county. Two years later he was admitted to the bar and the same year was elected state's attorney of that county to fill a vacancy. In 1880 he was re-elected for a full term of four years, and discharged the duties of that office in a most commendable and satisfactory manner. In 1881 he was elected mayor of Macomb, which is the Republican stronghold of McDonough county, being the only Democrat elected to that office in more than twenty years. In 1885, when he had been but seven years at the bar, he received the unanimous support of the legal fraternity of McDonough county, without regard to party, for circuit judge, and was nominated in the Democratic judicial convention for the fourth place on the ticket at a time when a law was pending establishing such an office. It, however, lacked a few votes of passing the lower house and Mr. Prentiss therefore did not become district judge, as he would undoubtedly have done had the law passed, for his district was strongly Democratic. As advocate or counsel he was retained on one side or the other of nearly all

important cases tried in the courts of McDonough county, and also had a large clientage in adjoining counties. While state's attorney in 1882 he secured a verdict to hang Robert E. Gick for murder, that being the most important homicide case ever tried in the county and the only instance in which such a verdict was given.

Seeking a still broader field of labor Mr. Prentiss came to Chicago in 1891, and almost immediately came into prominence as a leader of the Democratic party in this city. In 1893 he received the nomination for circuit judge of Cook county, but a Republican tidal wave swept the district that year and he was defeated, as he was again in 1897, when once more a candidate. He is, however, very popular in Democratic ranks and is highly esteemed by many leaders of the party. He was a delegate to the last Democratic national convention and took a very active part in the campaign of 1896.

In 1872 Mr. Prentiss was united in marriage to Miss Elizabeth Helen McCaughey, of Fulton county, Illinois, and to them were born three sons. The eldest, James Manley, was drowned in 1893, at the age of nineteen years, while out boating on Lake Michigan. He was with a young lady whose life he saved at the sacrifice of his own. The other sons, Jackson McCaughey and William, are attending school. Mr. Prentiss is a most genial man, of gentlemanly deportment and cordial disposition, and his social qualities render him a favorite in all classes.

Edward M. Holloway, clerk of the United States circuit court of appeals, was born in Indiana, on the 30th of May, 1861, and is a grandson of D. P. Holloway, who for many years was a member of congress and United States commissioner of patents. His father, Colonel W. R. Holloway, of Indianapolis, is now, 1898, consul general at St. Petersburg, Russia.

Mr. Holloway came to Chicago seven years ago, and has been connected with the clerk's office for about four years. On the 20th of October, 1898, he was appointed clerk of the United States circuit court of appeals of Chicago by Judges Woods, Jenkins and Showalter, then sitting on the bench, and took the place made vacant by the death of Oliver T. Morton. He did not ask the appointment and took no steps to secure it; it came to him spontaneously from the judges who were requested to make the appointment by the lawyers who practiced in the court and were familiar with the efficient and satisfactory manner in which Mr. Holloway had, for a series of years, performed his duties as chief deputy clerk. He is justly a favorite with the court and bar. He is pleasing in manner, always obliging, and ready to give any information proper to be given in relation to the affairs of the office.

Stacy Whitney Osgood, a practitioner at the Chicago bar, is a native of Ypsilanti, Michigan, born January 23, 1841, his parents being Leonard W. and Elizabeth (Whitney) Osgood. In 1847 the family came to Illinois, locating in Rockton, Winnebago county, where the father's death occurred. The mother afterward removed to Winnetka, where her last days were passed.

Stacy Whitney Osgood entered the public schools of Rockton and also pursued a high school course there, after which he took a special course in the

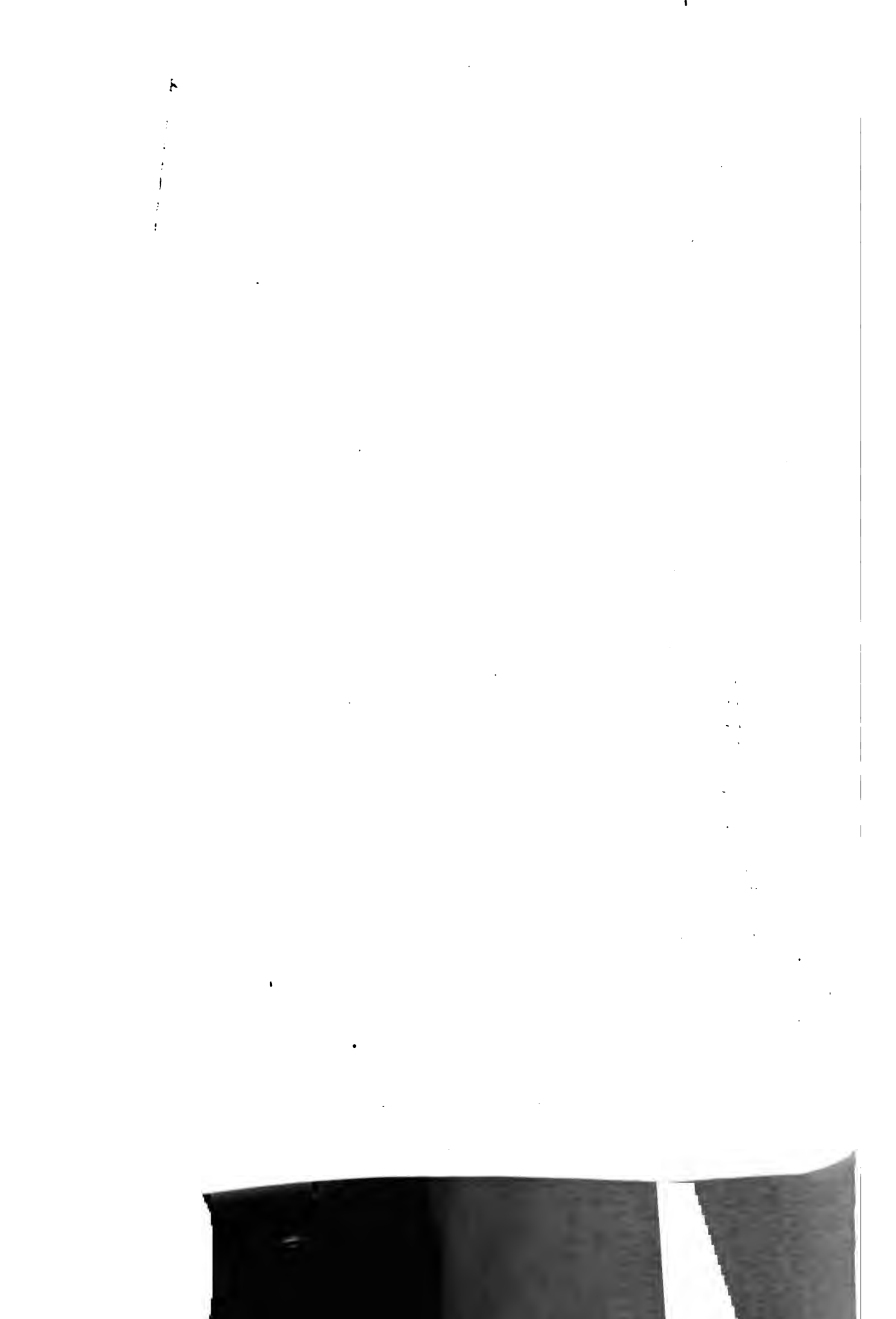
University of Michigan, and in 1864 was graduated from the law department of that institution. In the spring of that year he entered the law office of Blodgett & Winston, with whom he remained two years, and in 1866 he began practicing on his own account. He formed a partnership with Judge Frank Baker, which connection was continued five years, and then entered into partnership with M. F. Riggle, which relation was maintained until the expiration of Mr. Osgood's term as assistant county attorney. Since that time he has been alone. He enjoys a fair patronage and makes a specialty of probate and realty practice.

For a number of years Mr. Osgood has been an active factor in the village government of Winnetka, where he is recognized as a most progressive and public-spirited citizen. He has served as president of the village board, is now a member of the council, and is chairman of the judiciary committee. In his political views he is a Republican, and socially he is connected with the Masonic fraternity. In 1867 he was united in marriage to Miss Mary Shaw, of Rockton, Illinois, and they have three children.

Mrs. Myra C. Bradwell, a pioneer in the movement to give to women equal rights before the law and equal opportunities to labor in all vocations, demonstrated by her life work what women can do in activities heretofore monopolized by men, and was one of the most remarkable women of her generation and one who had no small share in making that generation what it is.

Myra Colby Bradwell was born in Manchester, Vermont, February 12, 1831. Her father, Eben Colby, was the son of John Colby, a Baptist minister of New Hampshire. The Colby family records show that Anthony Colby, the first of the family to settle in America, came to Boston from England in 1630. Her father's mother was a lineal descendant of Aquilla Chase, a family that gave to the world the noted divine, Bishop Philander Chase, of the Episcopal church, and Salmon P. Chase, chief justice of the United States. On her mother's side she was a descendant of Isaac Willey, who settled in Boston in 1640. Two members of the family, Albert and John Willey, served in the little army that suffered glorious defeat at Bunker Hill. In the history of her family one finds many distinguished men of varying activities in statecraft, on the field and in the domain of the professions. Never was heredity better accentuated than in this teacher, editor, lawyer. In the warp of her nature was woven the woof of that sterling New England character which has made such an impress on our national life.

In infancy she was taken to Portage, New York, where she remained until her twelfth year, when she came west with her father's family. Her family were aggressive abolitionists and stanch friends of the Lovejoys. The story of the murdered martyr, Elijah Lovejoy, as recounted by a friend of her youth, Owen Lovejoy, made a deep impression upon her mind. Thus early was implanted a hatred of slavery and injustice in the soul of one who was destined in subsequent years to bear a conspicuous part in freeing her sex from some of the conditions of vassalage in which it had stood, a champion who broke one of the strongest barriers to woman's enfranchisement, the bar, and paved the





Miss Mary E. [unclear]



misfortune, she stood cheery and indomitable, uttering brave prophecies of future good. Not an issue of her paper was lost; but, hastening to Milwaukee, she had the paper printed and published on the regular publication day.

She finally decided to apply for admission to the bar and to practice law. She had been permitted to work side by side with her husband as a most successful teacher; why not as a lawyer? And why not? Because, forsooth, of hoary precedent and musty precept, relics of feudal ages. In 1869 she passed a most creditable examination for the bar, but was denied admission by the supreme court of Illinois upon the ground that she was a married woman, her married state being considered a disability. She knew that the real reason had not been given. Marshaling her forces with that rare generalship so characteristic of her, she filed an additional brief which combated the position of the court with great force and compelled the court to give the true reason. In due time the court, by Chief Justice Lawrence, delivered an elaborate opinion in which it was said, upon mature deliberation, the court had concluded to refuse to admit Mrs. Bradwell upon the sole ground that she was a woman. She sued out a writ of error against the state of Illinois in the supreme court of the United States. Her case in that tribunal was argued in 1871 by Senator Matt. Carpenter. In May, 1873, the judgment of the lower court was affirmed by the United States supreme court. Chief Justice Chase, who never failed to give his powerful testimony to aid in uplifting woman from dependence and helplessness to strength and freedom, true to his principles, dissented. As has been well said, "Discussion of the Myra Bradwell case had the inevitable effect of letting sunlight through many cobwebbed windows. It is not so much by abstract reasoning as by visible examples that reformation comes, and Mrs. Bradwell offered herself as a living example of the injustice of the law. A woman of learning, genius, industry and high character, editor of the first law journal in the west, forbidden by law to practice law, was too much for the public conscience, tough as that conscience is."

Although Mrs. Bradwell, with Miss Hulett, was instrumental in securing the passage of a law in Illinois granting to all persons irrespective of sex freedom in the selection of an occupation, profession or employment, she never renewed her application for admission to the bar. Twenty years after, the judges of the supreme court of Illinois, on their own motion, performed a noble act of justice and directed license to practice law to be issued to her, and March 28, 1892, upon petition of Attorney-General Miller, Mrs. Bradwell was admitted to practice before the supreme court of the United States.

A pioneer in opening the legal profession for women, Myra Bradwell's signal service to her sex has been in the field of law reform. With her, the conviction that a principle was right brought with it a sense of duty to labor for its adoption. With keen foresight she saw that the financial independence of women was the stepping-stone to their emancipation. She drafted the bill giving a married woman the right to her own earnings. A case in point, so monstrous in its injustice, gave an added impetus to her zeal. A drunkard who owed a saloonkeeper for his whisky had a wife who earned her own living as a scrub woman, and the saloonkeeper garnished the people who owed the wife and took her

earnings to pay her husband's liquor bill. It needed but an application like this for her to succeed in her efforts to pass the bill. She also secured the passage of the law giving to a widow her award in all cases. 'Believing thoroughly in the principle enunciated by John Stuart Mill, "of perfect equality, admitting no privilege on the one side nor disability on the other," she was an enthusiastic supporter of the bill granting to a husband the same interest in a wife's estate that the wife had in the husband's.

She never missed an opportunity to try and secure any change in the law which would enlarge the sphere of woman. With this purpose in view she applied to the governor to be appointed a notary public. Finding her womanhood a bar even to this humble office, she induced her husband, who was in the legislature, to introduce a bill making women eligible to the office of notary public, which bill became a law. The bill drafted by her husband permitting women to act as school officers and which was passed while he was in the legislature, received her hearty support. Twice Mrs. Bradwell was honored by special appointment of the governor, being appointed a delegate to the prison reform congress of St. Louis, and it was mainly by her efforts that women, after a severe contest, were allowed a representation on the list of officers, she declining to accept any office herself; subsequently she was appointed by the governor as one of the Illinois Centennial Association to represent Illinois in the centennial exhibition of 1876 and was treasurer of the woman's branch of this association. After the completion of the work several hundred dollars remained in her hands, which was voted to the Illinois Industrial School for girls at Evanston. Mrs. Bradwell was one of the founders of this school and for years a member of its executive committee, and for fifteen years its treasurer. By her individual efforts in 1869 Mrs. Bradwell obtained the signatures of all the judges of the courts in Cook county and many of the lawyers and ministers of the city to the call for the first great woman's suffrage convention to be held in Chicago. She was one of the workers in the suffrage convention held in Springfield in 1869 and for a number of years one of the executive committee of the Illinois Woman's Suffrage Association. She also took an active part in the convention at Cleveland which formed the American Woman's Suffrage Association.

A thorough Chicagoan, in the life, progress and best interests of her city she had a citizen's interest and a patriot's pride. She was untiring in her efforts to secure the World's Fair for Chicago, accompanied the commission to Washington, and rendered valuable services there in obtaining the location of the exposition in Chicago. She was appointed one of the Board of Lady Managers and was chairman of the committee on law reform of its auxiliary congress. It is interesting to note that the woman who labored so courageously, persistently and effectively to secure for women their rights was herself a representative in the first national legislature of women to be authorized by any government.

Mrs. Bradwell was the first woman who became a member of the Illinois State Bar Association and the Illinois Press Association; was a charter member of the Soldiers' Home Board, the Illinois Industrial School for Girls, the Washingtonian Home and the first Masonic chapter organized for women in Illinois;

was a member of the Chicago Woman's Club, the Daughters of the American Revolution, the Grand Army Relief Corps, the National Press League and the Woman's Press Association.

A gentle and noiseless woman, her tenderness and refinement making the firmness of her character all the more effective, Mrs. Bradwell was one of those who live their creed instead of preaching it. She did not spend her days proclaiming on the rostrum the rights of women, but quietly, none the less effectively, set to work to clear away the barriers. If life is service, then truly did Myra Bradwell live, for the life of this noble woman was one of tireless activity of thought, of word and deed for the weal of humanity. A noble refutation of the oft-times expressed belief that the entrance of women in public life tends to lessen their distinctively womanly character, she was a most devoted wife and mother, her home being ideal in its love and harmony. She was the mother of four children, two of whom survive her, Thomas and Bessie, both lawyers, and the latter the wife of a lawyer, Frank A. Helmer, of the Chicago bar. Mrs. Bradwell died February 14, 1894.

Of her Bishop Fallows truthfully said: "The ideal creation of the poet or the artist's imagination in the presentation of perfect womanhood has rarely been actualized in flesh and blood as in the character of this honored woman. The beauty of holiness, which is the beauty of wholeness, you will remember, was the conspicuous beauty of her character. It was the blending of strength and winsomeness, of gentleness and firmness, of tact and persistency, of the low sweet voice so much loved in woman, with the ringing words for truth and justice and the enfranchisement of her sex, which are to reverberate through the ages forever, of the faithful performance of every home duty with the larger service to her country and her race."

James W. Duncan is one of the leading lawyers of the Chicago bar. He is a native son of Illinois, born at La Salle, January 18, 1849, his parents being Nicholas and Isabella (McBoyle) Duncan. They were natives of Ireland and Scotland respectively, and came to the United States in early life, locating in La Salle, Illinois. James W. Duncan attended the common schools and later was a student in the University of Niagara, New York, after which he began the study of law in the office of E. F. Bull, of La Salle. In 1871 he was admitted to the bar and practiced law in his native town until 1882, when he removed to Ottawa, where he continued until 1888, the year of his arrival in Chicago, and here he has since made his home. From 1876 until 1888 he was associated in the practice with Andrew J. O'Connor, under the firm name of Duncan & O'Connor, and from 1888 until 1897 was a member of the well known firm of Duncan & Gilbert, of Chicago. His business has been extensive and embraces litigation in various departments of the law.

In 1872 Mr. Duncan was united in marriage to Miss Bridget Cody, of La Salle, Illinois, who died October 11, 1898, leaving two children. In politics Mr. Duncan is a Democrat, and is a member of the Iroquois, Sheridan and Columbus Clubs.

Edward Osgood Brown has been a practitioner at the Chicago bar for a

quarter of a century. At one of the first places where civilization was planted on New England soil he was born, being a native of Salem, Massachusetts. His parents were Edward and Eliza Osgood (Dalton) Brown, and his birth occurred August 5, 1847. The family is of English origin, although connected with the history of America through many generations. It is probable that the first American ancestor of our subject was John Brown, who located in Ipswich, Essex county, Massachusetts, some time before 1650. Many representatives of the name were shipmasters and merchants, and the grandfather of our subject was one of the famous skillful and daring navigators who, about the beginning of the century, made Salem known throughout the civilized world. At one time, single-handed, he drove a piratical band of Malays from his ship, killing eight and disabling many more.

In the old historic town of Salem Edward Osgood Brown was reared to manhood, acquiring his preliminary education in the public schools. Later he was a student in Brown University in Providence, Rhode Island, and in the Harvard Law School, of Cambridge, Massachusetts, pursued his professional education. For a year following his collegiate course in Brown University he devoted his energies to teaching in St. Mark's Academy, in Southboro, Massachusetts, and then began preparation for his chosen vocation, the law, as a student in the office of Ives & Lincoln, prominent attorneys of Salem. He was graduated in the law department of Harvard University in the class of 1869, and applied himself with such diligence to his studies and to the mastery of the principles of jurisprudence that he won first prize for an essay on Punitive Damages, which was later published in the *Western Jurist*. As assistant clerk of the supreme court of Rhode Island, he served from the time of his graduation until 1870, when he was admitted to the bar of that state, at Providence, and at once entered upon the practice of law as a member of the firm of Gorman & Brown, which connection was continued until April, 1872.

At that date Mr. Brown came to Chicago in company with Orville Peckham, a college classmate, who for more than twenty-five years has been his law partner at the Chicago bar. Almost immediately they won prominence as practitioners in the western metropolis. The litigation resulting from conditions brought about by the great fire of 1871 was very extensive and of an important character, involving many intricate and perplexing questions. The services of men of skill and ability were in constant demand, and the firm of Peckham & Brown soon gained wide reputation as the result of their masterful handling of important litigated interests. Their attention has been largely given to corporation law and they are attorneys for the First National Bank of Chicago and for many other scarcely less important concerns. Mr. Brown was retained in the case of the *People versus Knickerbocker*, called the probate-court case, involving the constitutionality of that court; the sanitary district or drainage cases, involving the constitutionality of the sanitary district laws; *Zirngible versus Calumet Company*, which involved a vast amount of real estate on the Calumet river; and the case of *Roots versus Wilson*, which, though only a private contention, was of such magnitude as to awaken widespread interest. He represented the com-

missioners of Lincoln park in the McKee scrip matter, where claimants, under congressional scrip, undertook to locate their warrants on millions of dollars' worth of property along the lake shore on the north side of Chicago, and is at present engaged as counsel in the suit by the West Park commissioners against the receiver of the insolvent National Bank of Illinois for the amount—over three hundred thousand dollars—held by E. S. Dreyer, treasurer at the time of the failure of that bank and his own.

Mr. Brown is a member of the Chicago Bar Association and the Chicago Law Club, and ranks very high among his professional brethren, who unite in bearing testimony as to his high character and superior mind.

In 1884 Mr. Brown married Miss Helen Gertrude Eagle, a representative of an old Detroit family and a niece of Rev. Walter Elliott, of New York, who for a while was editor of the *Catholic World*. They have five children,—three sons and two daughters,—namely: Edward Eagle, Helen Dalton, Walter Elliott, Robert and Mary Wilmarth. Mr. Brown is a member of the Roman Catholic church, a convert in his early youth. He is a valued and popular member of various social and literary clubs, was president during the World's Fair year of the Massachusetts Society in Chicago, has been vice-president of the Iroquois Club and chairman of its political committee, and belongs to the Chicago Literary, the University, the Sunset, the Columbus and the Chicago Single Tax Clubs, and the Catholic Literary Association. He gives an unfaltering support to the Democracy and is an ardent believer in and supporter of the single-tax movement. He was a warm personal friend of Henry George, the exponent of the single-tax idea, and has written a number of very able articles on that subject. He has pronounced literary ability, and in addition to some valuable papers on medico-legal subjects, he is the author of three pamphlets on the early history of Michigan and Illinois. He is a fluent and forcible writer, adorning the sound logic with the beauties of rhetoric which serve to rob the most intricate and technical subjects of all prosaicness. His keen analytical mind and facile pen have made him well known as lawyer and author, and in those finer traits of character which endear man to man in ties of friendship he is royally endowed.

Henry A. Ritter, a member of the well-known law firm of Defrees, Brace & Ritter, of Chicago, was born in Selinsgrove, Pennsylvania, on the 1st of November, 1857, and is a son of Captain Henry K. and Maria K. Ritter. The father was a soldier in the Union army during the civil war, serving as captain of Company K, One Hundred and Eighty-fourth Pennsylvania Volunteer Infantry. In 1865, he removed to Austin, Missouri, where he engaged in farming until his death, which occurred in February, 1879. His wife still survives him, and is yet a resident of that place.

In the public schools of Austin Henry A. Ritter began his education, and in 1876 he entered Wabash College, Crawfordsville, Indiana, where he completed the regular course and was graduated in June, 1881, with the degree of Master of Arts. In July of the same year he began the study of law in the office of Baker & Mitchell, at Goshen, Indiana, where he remained until December 3,

1884, when he came to Chicago. In this city he was admitted to the bar in March, 1886, and has since engaged in the active practice of law. He was first associated with the firm of Shuman & Defrees, then for a short time was a member of the firm of Defrees & Ritter, and later a member of the firm of Aldrich, Payne & Defrees. On the 1st of November, 1893, the present firm of Defrees, Brace & Ritter was formed, and has had a continuous existence since that time. The subject of this review has done not a little to win for it the high reputation which it now enjoys, and the important character of its legal business indicates the ability and legal talents of the partners.

In April, 1891, Mr. Ritter was united in marriage to Miss Sarah E. Louderback, of Chicago. Socially he is connected with the Marquette and the University Clubs, and in the line of his profession he holds membership with the Illinois Bar Association. His political support is given the Republican party.

CHAPTER XIV.

REFORMS IN ABATEMENTS, AMENDMENTS AND PRACTICE AT LAW— IMPRISONMENT FOR DEBT.

SINCE the revision of the statutes by Mr. Brayman, in 1845, the alteration and improvements in the statutes of Illinois chiefly relate to the subject of abatements, amendments and practice at law, which may be grouped together for convenience. Section 3, chapter 1, in relation to abatements, provides that "No action or proceeding shall be defeated by plea in abatement, if the defect found is capable of amendment, and is amended on terms prescribed by the court."

The first paragraph of section 1 of chapter 7, entitled "Amendments," provides that "the court in which an action is pending shall have power to permit amendments in any process or proceeding in such action, either in form or substance, for the furtherance of justice, on such terms as shall be just, at any time before judgment rendered therein, and by the "practice act," section 23, it is provided that "At any time before final judgment on a civil suit amendment may be allowed on such terms as are just and reasonable, introducing any party necessary to be joined as plaintiff or defendant, discontinuing as to any joint plaintiff or defendant, changing the form of the action, and in any matter, either of form or substance, in any process, pleading or proceeding which may enable the plaintiff to sustain the action for the claim for which it was intended to be brought, or the defendant to make a legal defense. The adjudication of the court allowing an amendment shall be conclusive evidence of the identity of the action."

This act took effect, and was in force July 1, 1872. The courts have enforced the acts before mentioned, liberally, and the acts allowing amendments are a substantial reform in the laws, and do not affect the rule that "sound pleading is the life of the law," nor do they offer the premium to ignorance which is sometimes attributed to them. The common-law forms of pleading, when aided by statutes allowing amendments, are flexible and convenient.

In the "code states," where the common-law forms of pleading and practice have been superseded by "the petition" (or by whatever name the plaintiff's pleading may be called), he must state such facts as will, if undisputed, entitle him to a recovery, and the defendant's pleadings are required to be sufficient to show a defense to the plaintiff's action. Demurrers or exceptions are allowed in the code states, by which the sufficiency of all pleadings may be submitted first to the trial court and afterward to the court of appeal.

But the most striking reforms effected by the statutes are those which relate to the production of evidence in civil and criminal trials. Section 16, chapter 30,

entitled "Criminal Jurisprudence," provides that "No black or mulatto person or Indian shall be permitted to give evidence in favor of or against any white person whatsoever; every person who shall have one-fourth part, or more, negro blood shall be deemed a mulatto, and every person who shall have one-half Indian blood shall be deemed an Indian."

The chapter entitled "Evidence and Depositions" of the Revised Statutes of 1845, which applies to civil cases only (section 23), provides that (among other things) "A negro or mulatto person or Indian shall not be a witness in any court or in any case against any white person. A person having one-fourth negro blood shall be adjudged a mulatto."

The writer has had some amusing experiences in the practical enforcement of the laws which exclude negroes from testifying against white persons. In 1846, while exercising the office of probate justice of the peace of Macoupin county, a white man sued a negro before him on an account for a few dollars. On the appearance of the parties at the time fixed for the trial, the plaintiff sought to avail himself of the 39th section of the 59th chapter of the Revised Statutes, which provides that "in all trials before justices of the peace, when either party may not have a witness or other legal testimony to establish his or her demand, discount or set-off, the party claiming such demand, discount or set-off may be permitted to prove the same by the testimony of the adverse party, and if such adverse party should not appear at the time of trial or shall refuse to be sworn or to testify, the party claiming the same shall be permitted to prove his or her demand, discount or set-off by his or her own oath."

The defendant—the negro—offered to be sworn as a witness and to testify as to the plaintiff's demand; the plaintiff objected to the testimony of the defendant on the ground that he was a negro, and the statutes prohibited him from being a witness in any court or in any case against a white person, and offered himself as a witness to prove his own demand. The probate justice of the peace (the writer) held that the statute made an exception in case of parties to suits before justices of the peace, and that the defendant was a competent witness, made so by the plaintiff himself. The plaintiff dismissed his suit, and his attorney loudly complained that the probate justice had permitted a negro to be a witness against a white person!

Another case in which the writer was personally concerned grew out of the act of 1853, usually called "the Logan Law," for the reason that General John A. Logan, then a member of the house of representatives of the state of Illinois, introduced it into the house and secured its passage. This act, among other things, punishes the offense of bringing a negro slave into the state of Illinois, with the intent to set him free, by fine and imprisonment.

A negro boy escaped from the rebel works at New Madrid and came into the camp of the writer, and soon after guided his command at night from New Madrid to Tiptonville. General Pope directed that the negro be given a hundred dollars and sent north, in consideration of his services. The negro declined the offer, but late in May, 1862, he started to Illinois with the writer, who was sick and needed his help and attention.

We reached home in Carlinville on the 3d of June, 1862, and remained until August, and I then returned to my command in the field. The negro boy refused to return with me, and at the September term of the circuit court of Macoupin county the grand jury indicted me, charging, in the indictment, that I had brought "one Martin, a slave, into the state of Illinois, with the intent to set him free."

I was absent in the army at the September term of the court, and the indictment was "stricken from the docket with leave to reinstate." On coming home I gave the state's attorney notice that at the December term of the circuit court, 1864, I would move to reinstate the cause on the docket and demand a trial.

At the December term the indictment was reinstated and the cause was tried by a jury. It is due to my professional brethren to say that without an exception they offered to appear for me and defend me, but I declined their services with thanks, and told them that I expected to say to the jury what no attorney ought to say for a client: I expected to ask the jury to sign a petition to the legislature, requesting that body to repeal the law which rendered negroes incompetent to be witnesses against a white person.

The jury was empanelled and sworn, and I told them in stating my case that the indictment charged that I had brought a slave into the state with intent to set him free. I also told them that the laws and policy of the state of Illinois presumed every person to be free, without regard to color, and that there was no other person in the county who could prove whether the person described in the indictment was or was not a slave, but that under the statute he, being a negro, could not be a witness against me. I said to the jury that he was honest and truthful, and that they, for want of proof beyond a reasonable doubt that the person described in the indictment was a slave, would be compelled to find me "not guilty," because the law excluded the only witness who had knowledge of that essential fact.

I then handed to the jury a petition to the legislature, in which the facts were recited, praying for the repeal of the statute which rendered negroes incompetent as witnesses against white persons. The jury agreed upon a verdict of "not guilty," and seven members of the jury signed the petition.

The legislature, which assembled in 1865, passed an act to repeal section 16 of division 3, chapter 34, of the Revised Statutes, all of chapter 74 of said Revised Statutes and "an act to prevent the immigration of free negroes into the state,"—commonly known as the "Black Laws." The act took effect from and after its passage, and the "Black Laws" disappeared from the statutes of Illinois.

But the greatest triumph of law reform was effected by the passage of "an act relating to the competency of witnesses in civil cases," which was approved by the governor on the 19th of February, 1867. The first section of the act provides that "No person shall be disqualified as a witness in any civil action, suit or proceeding, except as hereinafter stated, by reason of his or her interest in the event thereof as a party or otherwise, or by reason of his or her conviction of any crime; but such interest or conviction may be shown for the

purpose of affecting the credibility of such witness, and the fact of such conviction may be proven like any fact not of record, either by the witness himself, who shall be compelled to testify, or by any other witness cognizant of such conviction, as impeaching testimony, or by any other competent evidence."

Lawyers who were in full practice before 1867 remember the remarkable change made by the "act relating to the competency of witnesses in civil cases." The act was carefully guarded, so that "no party to any civil action, suit or proceeding, or person directly interested in the event thereof, shall be allowed to testify therein on his own motion, or in his or her own behalf, by virtue of the foregoing section, when any adverse party sues or defends as trustee or conservator of any idiot, lunatic or distracted person, or as the executor, administrator, heir, legatee or devisee of any deceased person, or as guardian or trustee of any such heir, trustee or devisee, unless when called as a witness by such adverse party so suing, and also except in the following cases:

"First, In any such action, suit or proceeding, a party or interested person may testify to facts occurring after the death of such deceased person.

"Second, When in such action, suit or proceeding any agent of any deceased person shall, in behalf of any person or persons suing, or being sued in either of the capacities above named, testify to any conversation or transaction between such agent and the opposite party, or party in interest, such opposite party, or party in interest, may testify concerning the same conversation or transaction.

"Third, When in any such action, suit or proceeding any such party suing or defending as aforesaid, or any person having a direct interest in the event of such action, suit or proceeding, shall testify in behalf of such party so suing or defending as to any conversation or transaction with the opposite party, or party in interest, then such opposite party, or party in interest, shall also be permitted to testify as to the same conversation or transaction.

"Fourth, When in any such action, suit or proceeding any witness, not a party to the record, or not a party in interest, or not an agent of such deceased person, shall, in behalf of any party to such action, suit or proceeding, testify to any conversation or admission by any adverse party, or party in interest, occurring before the death or in the absence of such deceased person, such adverse party, or party in interest, may also testify as to the same admission or conversation.

"Fifth, When in any such action, suit or proceeding the deposition of such deceased person shall be read in evidence at the trial, any adverse party, or party in interest, may testify as to all matters and things testified to in such deposition by such deceased person and not excluded for irrelevancy or incompetency."

The third section of the act of 1867 contains provisions in regard to the production of books of accounts and their verification as evidence, and the fifth section provides for the protection of communications between husband and wife, and finally repeals certain sections of the Revised Statutes relating to evidence and bills of discovery.

The constitution of Illinois provides that "No person shall be imprisoned

for debt unless, upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be provided by law, or in cases where there is a strong presumption of fraud."

The sixth section of chapter 57 of the Revised Statutes of 1845 contains a proviso that "Nothing herein shall restrain or prevent any execution from being issued against the body of any defendant where the judgment shall have been obtained for any tort or trespass committed by such defendant."

The act approved February 28, 1845, numbered II (2) of the laws published with the revision, provided that "When any defendant in execution shall be held in custody on final process in a case where the defendant cannot be discharged under the provisions of the act entitled 'An act for the relief of insolvent debtors,' approved January 12, 1829, when said defendant shall make an affidavit, before some competent officer authorized to administer oath, that he or she has no rights or credit, property, real or personal, in possession or action, except such property as is exempt from execution by the laws of the state, it shall not be lawful for said defendant to be committed to the common jail of any county of this state, unless the plaintiff in execution, his or her agent or attorney, shall on Monday of each and every week pay to the jailer the fees to which he may be entitled on said imprisonment. * * * If at any time the plaintiff, his or her agent or attorney, shall fail to advance the jail fees as herein provided, it shall be the duty of the officer or jailer, as the case may be, forthwith to discharge the prisoner, and it shall not be lawful to arrest or imprison the said defendant a second time upon an execution issued upon the same judgment; but nothing herein contained shall operate to discharge said defendant from the payment of such judgment and costs, if property can be found to satisfy the same. If the plaintiff, his or her agent or attorney, shall make the advances of the jail fees, as herein provided, the said defendant may be imprisoned, at one dollar and fifty cents per day, until the judgments and costs shall be satisfied, and the officer making the arrest shall in that event endorse the execution, 'satisfied in full by imprisonment.'"

This provision is still retained, and there are but few instances in which plaintiffs choose to make the advances required by the statute.

CHAPTER XV.

THE BENCH AND BAR OF PEORIA COUNTY.

BY HON. DAVID McCULLOCH.

PEORIA COUNTY was organized under an act of the legislature of January 13, 1825, with its present boundaries, to which were added for county purposes all that tract of country north of town 20 and west of the third principal meridian, formerly a part of Sangamon county, and all that tract of land north of Peoria county and of the Illinois and Kankakee rivers. The territory so attached embraced a large portion of the north part of the state, including what is now the city of Chicago. Cook county was not organized until 1831. It is of interest to note that, as shown by the early records of Peoria county, licenses in those times were granted by its county authorities to certain persons to maintain ferries over the Chicago river at Fort Dearborn and the "Callimink" (Calumet), at the head of Lake Michigan, as well as to keep a tavern at Chicago, and that, although Chicago had its own justices of the peace, yet persons desiring to be married there were obliged to come to Peoria for their marriage licenses.

The first term of the circuit court commenced the 14th day of November, A. D. 1825, with John York Sawyer, judge; John Dillon, clerk, and Samuel Fulton, sheriff. The court was held in a log building, fourteen feet square, that stood on the bank of the river. It had only one window and its loft was low,—in fact it was a genuine log cabin. It also served for religious meetings on the Sabbath. The basement was reached through an opening or door on the river side and was sometimes used as a jail, sometimes as a stable. A better jail, built of three thicknesses of logs, with a log floor covered with oak plank well spiked, was subsequently erected and continued to be the county prison for many years.

The following testimony of some of the earliest settlers will throw much light upon the administration of justice in those early days. John Hamlin, writing in 1844, says: "In the year 1826 I lived three miles from Mackinaw, on the Peoria and Springfield road, in what is now Tazewell county, but then attached to Peoria; and, being twenty-one years of age that year, I was summoned on the grand jury. There were not enough adults then in Peoria county proper to form the grand and petit juries, and hence they were summoned from the attached portion. All the grand jurors but two were from the east side of the Illinois river, and were chiefly my neighbors. We took our provisions and bedding, the latter being a blanket or quilt for each. It was also the practice in those days to take along a flagon of liquor, and the custom was not omitted

on this occasion. In truth, so faithfully was the flagon put under requisit that but two of our number were sober when we appeared in court to receive the judge's charge. Judge Sawyer was the presiding judge, James Turrill the prosecuting attorney, and Messrs. Cavarly, Pugh, Bogardus and Turrill the entire bar.

"There were only about eight bills of indictment found by the grand jury, one of these against an Indian named Nomaque, for murder. He had been tried the fall before, but, obtaining a new trial, he was indicted again this term.

"The court house was a log building on the bank of the river, in which the jurors slept on their blankets on the floor. There was a tavern kept by Mr. Bogardus, but it was not large enough to furnish sleeping accommodation for them. The grand-jury room was a lumber cabin, in which Bogardus kept saddles and other cattle fixings."

Nomaque, the Indian mentioned in the above extract, had been tried at the first term of the court held by Judge Sawyer, at which time he was convicted of the murder of a Frenchman and sentenced to be hanged; William Hamilton, a son of the celebrated Alexander Hamilton, being counsel for the defense, and James Turney, attorney general, for the prosecution. The case had been carried to the supreme court and the judgment reversed. It is reported in Beecher's Breeze, with copious notes by the author. At the time of his second indictment there being no secure jail, the sheriff kept him under guard at a private house, when an attempt was made at his rescue by some drunken Indians, but without success. He was afterward allowed to quit the country and is reported to have united his fortunes with Black Hawk, and to have lost his life in the battle of Stillman's Run. It has been hinted that "the flagon" cut quite a figure in his first trial.

In the same year (1844) Isaac Underhill wrote as follows: "I first landed on the shore of Peoria lake on Christmas day, 1833, and took lodgings with our worthy townsman, A. O. Garrett, who then kept the 'Peoria Hotel,' in a small two-story wooden building at the corner of Main and Washington streets. The only building west of the hotel at that time was a barn, a short distance up Main street. The entire town consisted of but seven frame houses and a few log tenements. The day following I left in the steamboat 'Peoria' for the south. In a few months I returned again to Peoria. During my absence extensive preparations had been made for building, and before the first of September about forty houses and stores were erected.

"Judge Young was the presiding judge at that time and held the circuit court in a small building, fourteen feet square, on the river bank. The grand jury sat under the shade of a crab-apple tree, and the petit jury deliberated in an old French cellar, partially filled up, and surrounded with a growth of rank high weeds and grass. The venerable Isaac Waters was clerk of the court. His office and dwelling were in a small log cabin, where now (1844) stand the plow works of Tobey & Anderson. The old gentleman used to carry the seal of the court in his pocket, and on one occasion, by mistake, offered it to the postmaster in payment of postage.

"The only practicing members of the bar that resided here at that time were the Hon. Lewis Bigelow and Charles Ballance. The former was an eminent jurist and profound scholar. I was informed that he wrote a digest of the laws of Massachusetts, a valuable work of upward of eight hundred pages, with one quill. He died here in 1838. William Frisby, a member of the bar of much promise, arrived here in 1834. By his indefatigable studies he was fast reaching the topmost round of the ladder of his profession, when he died, in 1842, lamented by a large circle of friends and acquaintances."

Judge Samuel D. Lockwood succeeded Judge Sawyer, and, in 1829, Judge Lockwood was succeeded by Judge Richard M. Young, who remained on the bench until the close of the year 1834. Charles Ballance, who is mentioned in one of the foregoing extracts, was a prominent attorney at law who had settled in Peoria as early as 1831. In the latter part of his life he wrote a history of Peoria, from which some of the following facts are gleaned.

Judge Young's circuit extended from below Quincy to Chicago, including the present cities of Quincy, Rock Island, Galena, Ottawa and Chicago, and embraced all the intermediate territory. In May, 1833, he made his appearance in the village of Peoria and announced that he was on his way to Chicago to hold court. He had traveled about one hundred and thirty miles from Quincy, where he lived, and had to travel, as the trail then ran, not less than one hundred and seventy miles further, to hold his first court on his circuit. He traveled all the way on horseback.

After Judge Young's time, and before the accession of the Hon. Onslow Peters, the circuit court of Peoria county was presided over by the following named judges, in addition to those already mentioned: Thomas Ford, Sidney Breese, Stephen T. Logan, Daniel Stone, John D. Caton, T. Lyle Dickey and William Kellogg, each one of whom occupies a prominent place in the history of his times and needs not any extended notice here. It is a matter of history, however, that Thomas Ford died in poverty, at the house of his intimate friend, Andrew Gray, an early settler of Peoria. The grand jury was then in session, with Andrew Gray as foreman. That body passed a series of resolutions paying tribute to the memory of Governor Ford, from which the following extract is taken:

"While state's attorney in our sparsely settled country he discharged his duties faithfully and successfully; as a judge he was impartial, laborious and just; as a man and citizen, one of the noblest works of God. He was nurtured in our state while in its infancy; he grew with its growth and strengthened with its strength. He won his way from a fatherless boy to eminence and fame and has left a bright example to those behind him, that virtue, industry and fidelity insure success and will be crowned with triumph."

My acquaintance with the Peoria bar began on the second Monday in May, A. D. 1853, that being the day on which Onslow Peters assumed the duties of circuit judge of the newly formed sixteenth circuit, consisting of the counties of Peoria and Stark. For some years prior to that time Peoria and Stark counties had constituted a part of the tenth circuit, composed of the counties of Fulton,

Peoria, Stark, Henry, Rock Island, Mercer, Knox and Warren. The formation of the sixteenth circuit, composed of only two counties, one of them being very small and having but little business, so localized our courts that from that time forward circuit riding in this vicinity ceased to be one of the occupations of the profession.

At that time, as nearly as I can remember, the Peoria bar consisted of the following named leading attorneys and firms: Norman H. Purple and Ezra G. Sanger, Lincoln B. Knowlton, Elihu N. Powell and William F. Bryan, Halsey O. and Amos L. Merriman, Jonathan K. Cooper, Charles Ballance, Henry Grove and Alexander McCoy, Elbridge G. Johnson and George S. Blakesley, John T. Lindsay and Henry Lander, Henry S. Austin and Charles C. Bonney.

Thomas Ford, Lewis Bigelow, John L. Bogardus, William Frisby and William L. May had been prominent at the bar, but they had passed away. Lincoln B. Knowlton, Halsey O. Merriman and Ezra G. Sanger soon joined the ranks of the dead. Before coming to Peoria, Bigelow had been a member of congress from Massachusetts, but he is better known to the profession as the compiler of Bigelow's Digest of the Massachusetts reports. Frisby was his son-in-law, a brilliant young lawyer, whose life was cut short in early manhood. John L. Bogardus was more prominent as a business man and dealer in lands than as an attorney.

Before coming to Peoria, William L. May had served one term in the legislature and two terms in congress. He also was more of a business man than an attorney, and possibly his most enduring monument is the Peoria wagon-road bridge, for the building of which he obtained a charter from the legislature. The building of this bridge, which was the first one erected over the navigable portion of the Illinois river, was the occasion of a most important decision of our supreme court, in the case of the Illinois River Packet Company versus the Peoria Bridge Association, reported in 38 Illinois Reports, page 467.

Lincoln B. Knowlton was a man of great ability. He had been a member of the constitutional convention which framed the constitution of 1848. I remember him as a stalwart man, above medium height, broad-shouldered and raw-boned. He was then in the last stages of consumption. With a shaggy overcoat thrown loosely over his shoulders, he walked down the middle aisle of the court-house with great dignity, and took his seat in a hair-cloth rocker which had been provided especially for his use. He died within a month of that time. The following tribute was paid to his memory by the Peoria bar on the occasion of his death: "Resolved, That we pay but a just tribute of respect to the deceased when we declare that his character as a faithful, eloquent and successful advocate in our courts, as a man in whom were united the fidelity and honorable conduct of a good lawyer, as well as the most expanded liberality, kindness and generosity of man, commands our most unfeigned respect; that the poor, oppressed and unprotected have occasion long to remember and to appreciate his generous efforts, gratuitous labor and professional exertions, so often and so faithfully put forth in their behalf, they having ever found in him the poor man's and the widow's advocate and friend."

Lincoln Brown Knowlton was born in Shrewsbury, Massachusetts, in 1804, his paternal ancestors having come to America from Knowlton Manor, in Kent, England, in 1642. Lieutenant Daniel Knowlton and Colonel Thomas Knowlton, famed in the early Indian wars and the Revolution, were lineal ancestors. Nathaniel Lyon was his own cousin, through a Knowlton mother. The three Knowlton brothers settled in Ipswich, Massachusetts. Lincoln B. Knowlton was very gifted in an intellectual way, and at an early age was sent to Union College, at Schenectady, New York, whose president was then the famous educator, Eliphalet Nott, D. D., LL. D. After graduating at Union College Mr. Knowlton studied law with the governor of Massachusetts, "Honest John Davis," as he was called. Mr. Knowlton came to Peoria at a very early period in its history and was one of the most brilliant and prominent lawyers of his day, being known as the Henry Clay of the Illinois bar. He loved his profession, refusing a judgeship and being practically pushed into politics. He was nominated for congress the year he died (August, 1854), and knowing that he could not live to fill the office, asked the privilege of naming his successor, James Knox, who was elected. He was sent as a delegate to the last Whig convention, which met at Baltimore and nominated his idol, Henry Clay, for the presidency. The last speech ever delivered by Mr. Knowlton, when he was almost too weak to stand, and the glory of his rich, magnetic voice had gone, was in advocacy of the election of Clay to the presidency. He was an intimate friend of Abraham Lincoln, David Davis, Stephen A. Douglas and other eminent men who lent dignity to the early bar of Illinois.

I have no recollection of ever having seen Halsey O. Merriman. He was a very popular lawyer, and had been attorney for the town of Peoria when it obtained its charter as a city, which was largely the work of his hands.

Ezra G. Sanger was a young man of talent and considerable prominence. He had been a member of the legislature in 1848, and one of the presidential electors in 1852. With Judge Purple as a partner, he was fast attaining to an eminent position at the bar, when the dreaded consumption claimed him also as a victim.

The old court-house had, in 1836, been replaced by a two-story brick one, with a cupola and a portico ornamented with four round sandstone columns. It was considered an elegant building for the times, and continued to be the seat of justice for about forty years. Here also many political battles were fought, for it was the only public hall in the town, and for years all political conventions and political meetings were held in it. Its walls on many occasions resounded with the eloquence of such men as Abraham Lincoln, Stephen A. Douglas, Owen Lovejoy, Wendell Phillips, Joshua R. Giddings, Josiah Quincy, Jr., and other men of note.

An incident of the times, which strongly impressed itself upon my memory, was the great debate between Lincoln and Douglas on October 16, 1854. The circumstances which brought these two political giants together at that time I did not know, but in some way an arrangement was made that Senator Douglas was to have three hours for his opening speech, Mr. Lincoln was to have the

same time for reply, and Douglas was to have one hour to close the debate. I was then a young man, and not much inclined to political life, but having been brought up a Democrat, I was disposed to side with Senator Douglas. I listened with much interest to his speech in defense of the repeal of the Missouri Compromise, but was not altogether satisfied with it. When he had closed, Mr. Lincoln arose and spoke about as follows: "My Fellow Citizens: I would like to make a bargain with you. Judge Douglas has occupied all the time allotted to him for his opening speech. It is now late in the afternoon, and if I begin my speech now, I will not be able to finish it until the time you will want to go to your suppers, and, as I would not like to have my speech cut in two, I would suggest that we adjourn this meeting now and come together again promptly at seven o'clock. I can then finish my speech by ten, and Judge Douglas can finish his by eleven, which is not an unusually late hour at this season of the year. What do you say?" Immediately a cheer went up from his friends all over the vast audience, accompanied by throwing of hats into the air, and other demonstrations of approval. So the meeting was adjourned until seven o'clock, which gave Mr. Lincoln the advantage of a much larger night audience, and an opportunity for arranging his thoughts beforehand. When the evening came Mr. Lincoln proceeded with his speech, during the progress of which he drove Mr. Douglas into some very close quarters. When the latter arose to reply, he manifested strong symptoms of anger, and continued to speak in that strain until the close of his hour. This debate took place on a small platform, erected on the portico at the south corner of the court-house, and the speakers and officers of the meeting came upon it through a window, in one of the offices. It is said upon good authority that Mr. Lincoln expected to again debate with Senator Douglas on the following day in an adjoining county, but upon the solicitations of the latter, on the ground that his was a controversy with a wing of his own party, and not with the opposing party, Mr. Lincoln decided to return home.

I never saw Mr. Lincoln afterward, except on one occasion when he was in attendance at the circuit court of Woodford county, then being held in a yet smaller court-house in the town of Metamora. Judge David Davis, clad in a gray and apparently homespun suit, with heavy-soled boots on his feet, one leg thrown over the low desk in front of him, his steel-gray hair cropped short, was presiding. Mr. Lincoln sat among the lawyers, with his chair thrown back and his hands clasped behind his head. I was struck with the largeness of all his features, especially his ears, which seemed out of all proportion. No one would have suspected then that either of these two men would ever attain to the world-wide reputation to which they afterward succeeded. It may be mentioned in this connection that this little town of Metamora, now abandoned as a county seat, was the place where Adlai Stevenson, late vice-president of the United States, commenced practice as a youthful attorney, and the place where Simeon P. Shope, an eminent justice of our supreme court, spent his boyhood days. Here also, at court times, were accustomed to assemble many other distinguished attorneys from neighboring counties, amongst whom may be men-

tioned the late Asahel Gridley, Lawrence Weldon, now of the court of claims at Washington, and Robert E. Williams, of Bloomington; Benjamin S. Prettyman and Samuel W. Fuller, of Pekin; T. Lyle Dickey, of Ottawa; Samuel L. Richmond, John Burns, Thomas M. Shaw and George Barnes, of Lacon; Henry Grove, Henry B. Hopkins, E. C. and R. G. Ingersoll and Sabin D. Puterbaugh, of Peoria.

Although the old court-house at Peoria had on many occasions been made to resound with the eloquence of the distinguished statesmen already named, yet their eloquence did not by any means eclipse that of some of our home talent. I well remember a murder case tried in the early days of Judge Peters' incumbency, in which Elbridge G. Johnson and Judge Norman H. Purple were counsel for the prosecution, and Judge William Kellogg and Julius Manning for the defense. This was indeed a battle of the giants. In all my experience at the bar I have never heard, in any one case, four addresses to the jury of such uniform eloquence and power as those presented on this occasion.

Mr. Johnson was a native of New Hampshire, but afterward located in the state of Vermont, where he read law with the distinguished Judge Redfield, and was there admitted to the bar at the early age of twenty years. He practiced his profession in the state of Vermont until the year 1850, when he located in Peoria and there continued in active practice until the time of his death, January 26, 1885. It has been truthfully said of Mr. Johnson, that he did not attain to that distinction to which his eminent talent entitled him. He was extremely sensitive, so much so as to almost revolt at the idea of putting himself forward as a candidate for any public position. I had occasion at one time to be a witness of his great diffidence, when attending the supreme court at Ottawa. As is well known to those who attended that court, the chairs in the great courtroom, for some inexplicable reason, were arranged about its outer walls, so that every attorney who wished to address the court was obliged, as it were, to run the gauntlet of the entire bar in attendance. Mr. Johnson had a motion to present, but was scarcely able to summon courage necessary for the occasion, remarking at the time that he would as lief stand up to be shot at as to go forward to present his motion.

The following points in his character are taken from an able address delivered by his former partner, Hon. H. B. Hopkins, on the occasion of his death: "He was a man of dignified and imposing personal appearance, with nature's emphatic stamp of superiority. He was all his life under the dominion of strong powers, both mentally and physically. His intellect belonged to the type of the colossal. * * * Although he did not attain all that distinction which his early life seemed to indicate, in the judgment of his contemporaries, yet he always had in himself all the qualities of greatness and power which justified that promise, and he needed only the occasion and sufficient force of impulse to have quite realized it. * * * Upright and honest, he had no patience with tricks or duplicity. His opinions upon social, moral, religious, political and personal topics were most independent. * * * Behind the shelter of an external indifference was a nature so sensitive and delicate that almost everything either

hurt him or consoled him. A bundle of nerves, a tissue of sensibilities, a battery of forces, pain and pleasure were the ever vibrating tides of his emotions. * * * In the early part of Mr. Johnson's residence here he held the office of state's attorney for one term, and later served one term in the state legislature, as a member of the house of representatives, and soon after the enactment by congress of the old bankrupt law he was appointed register in bankruptcy for this congressional district, and held the office until the law was repealed. He discharged the duties of these various offices with unquestionable ability and faithfulness."

William Kellogg had been a member of the lower house of the state legislature, after which he was elected judge of the tenth circuit, which then included Peoria and Stark counties. This office he held with distinction from February, 1850, to November, 1852. After leaving the bench he resumed the practice of law until 1856, when he was elected to congress, and continued to be a member of that body until March 4, 1863, during which time he took a prominent part in the legislation of that critical period of our country's history.

Judge Kellogg was a fine orator and displayed his eloquence with great power, both at the bar and in the halls of legislation. In person he was of medium height, somewhat inclined to corpulency, had a high forehead and was of fair complexion. His face was full and his voice clear and distinct, his gestures graceful, and his whole manner that of a finished orator. After leaving congress he came to Peoria to reside and remained in the practice of the law at this place until the time of his death. His public career belongs rather to the state and nation than to the local bar of Peoria.

Of Julius Manning I cannot speak too highly. He was one of my preceptors, and, for the last year of his life, it was my great privilege to be his partner. He was a native of Canada, his birthplace having been near the Vermont line, and he received his education at Middlebury College in that state, where he also studied law. He came to Illinois in 1837 and at once took a leading position at the bar, as well as in political matters. Before coming to Peoria he had for some years lived and practiced law in Knox county, from which county he had been elected to the lower house of the general assembly for two successive terms, and in 1848 he was elected a member of the electoral college in the presidential contest of that year. His practice had been extensive, covering several counties, including Peoria. In the year 1854, soon after the death of Halsey O. Merriman, he came to Peoria and formed a partnership with Amos L. Merriman, which firm continued until June, 1861, when Mr. Merriman was elected to the office of circuit judge of the sixteenth circuit. It was at that time that I became a partner of Mr. Manning. In the autumn of that year Mr. Manning and Judge Purple were, by almost common consent, elected to represent the counties of Peoria and Stark in the constitutional convention. In January, 1862, he left the office to attend that convention, and remained at Springfield until the time of its adjournment. Upon his return home his health was very much impaired, and he deemed a trip to Canada, where he had once lived, advisable for rest and recuperation; but when his preparations

had all been made, and while paying a visit to his old home in Knoxville, he suddenly expired, on July 4, 1862, at the early age of forty-eight years.

In political faith Mr. Manning was a Democrat, and although, in the constitutional convention, he went with his party in a course which seemed somewhat questionable, yet he was always loyal to the country. I well remember when the Rebellion first broke out and excited crowds were filling our streets it became the earnest desire of many good citizens to know the standing of Julius Manning on the all-important questions then agitating the country. Accordingly, when called upon to address the multitude assembled in front of his office, he appeared on the balcony and commenced something in this wise: "My Fellow Citizens: I belong to the north, I was born in the north, I married my wife in the north, my children were born in the north, my interests lie in the north, and in this fight I am for the north." He then went on to show that when sections are at war with each other, there can be no middle ground, but that every man must be on one side or on the other. As for himself, whatsoever others might do or be, he was for the north. This speech produced a profound impression upon the community and had much to do with placing many wavering Democrats on the right side.

His forecasting of political events was shown by a remark made by him at the time of Abraham Lincoln's first nomination. A few of us, mostly Democrats, were in his office awaiting the results of the balloting in Chicago. When the news of Lincoln's nomination came, there was manifested a considerable degree of merriment over the choice of the convention, which was checked by Mr. Manning, who said: "Boys, don't laugh; Abe Lincoln is the hardest man to beat the Republicans could have nominated." This was before the split in the Democratic party. After that event occurred Mr. Manning threw his influence in favor of Douglas, in the presidential campaign of that year.

Mr. Manning was slightly above medium height, portly in person, erect in carriage, dignified in appearance, fair in complexion and in the color of his hair, his features heavy and prominent but pleasing in expression. He dressed well, wore a silk hat and carried a gold-headed cane. His presence commanded respect wherever he appeared.

As an orator Julius Manning had few equals and no recognized superiors. His voice was musical and clear as a bell, his enunciation was perfect, his gestures elegant, his expression earnest and his whole manner most persuasive. He was a student of rhetoric. Although his speeches seemed, to a listening audience, to be entirely extemporaneous, yet on all important occasions, when time was at his command, they were studiously prepared. Some of his skeletons, still extant, observe the rhetorical division of exordium, argument and peroration, and the line of thought assigned to each was scrupulously followed in delivery.

As a lawyer he was perhaps not so methodical nor so exact in the preparation of his cases as was Judge Purple, but in point of native talent and the intuitive grasping of the principles of the law he was generally regarded as the latter's superior. With the jury he was almost invincible, and many a man

owed his life or his liberty to the eloquence of Julius Manning, when in less able hands he might have been condemned to punishment.

The estimate in which he was held by his brethren of the profession is best expressed by the resolutions adopted by the Peoria bar on the occasion of his death, one of which reads as follows:

Resolved, That in the death of Mr. Manning the bar of this county and state has lost one of its brightest ornaments, the state one of its most distinguished citizens, and society one of its noblest and worthiest members. Endowed by nature with a mind of the finest texture and of the most enlarged capacity, enriched and strengthened by cultivation, he grasped with remarkable ease and clearness the whole science of law, and successfully applied it in practice with a rare combination of eloquence and logic. He had thoroughly mastered the elementary principles of his noble profession, and his mind was a vast store-house, in which memory had carefully garnered up and stored away inexhaustible treasures of legal lore. He was thus always provided and ready for any professional emergency, whether on the circuit or at home. He was no less conspicuous for his modesty. Always unconscious of his own merits and preferring the quiet of home rather than the pleasures of the social circle, he sedulously shunned the turmoil and eclat of public life. He entered the political arena but seldom, and with reluctance, in obedience to the urgent and unsolicited demands of his numerous friends. In his deportment, whether in public life or in professional or social intercourse, he was always courteous. No barbed shaft ever found place in his full quiver. His heart was as expansive as his mind. Kindness exhaled from him as an atmosphere, and shed its beneficence upon all alike who came into his presence.

In religious matters, during most of his life, Julius Manning was a liberal thinker. While entertaining a very high regard for the person, character and teachings of Jesus Christ as a man, he could not yield his assent to what is known as orthodox teaching; but in the last few months of his life he became a thorough convert to the evangelical faith and to all appearances was a devout Christian.

Norman H. Purple's proper place in history is with the bar of the state at large, rather than with the local bar of Peoria. But, having spent the best years of his life with us, we claim him as one of our own. A detailed sketch of his life appears in connection with a preceding chapter on the supreme judges of the state. After retiring from the supreme bench he removed to Peoria and resumed the practice of the law, which soon became extensive and lucrative. The great contest in the Military Tract between patent titles and tax titles was then at its height. By an act of congress, in 1812, two million acres of land in Illinois, northwest of the Illinois river, had been set apart for soldiers' bounties. These lands, having been patented directly to the soldiers, had become taxable, and many of them had been sold for taxes. These tax titles were the only ones upon which many of the actual settlers held their farms. As lands became valuable the country was scoured, from Maine to Texas, by speculators in lands, in search of the patentees or their heirs. When they, or some other persons of like names, were found, suits would be commenced in their names, or in those of their grantees, for the possession. In many instances, when the occupant had bought up the apparent patent title of one set of heirs, another, and possibly a

third, set would turn up claiming the same land. Many of these suits were brought in the federal courts, and many of them in the courts of the state. In this great controversy many of the members of the bar in the Military Tract came to be recognized as the leading land lawyers in the country. Among these may be mentioned Archibald Williams, Orville H. Browning, Charles B. Lawrence, of Quincy; Robert S. Blackwell, author of *Blackwell on Tax Titles*, of Macomb; Hezekiah M. Wead, William Kellogg, William C. Goudy and S. Corning Judd, of Fulton county; Joseph Knox, of Knox county; and Norman H. Purple, Julius Manning, Onslow Peters, Elihu N. Powell, William F. Bryan and others of Peoria county. In this contest the law relating to tax titles and the statutes of limitation became practically settled for all time.

Another fruitful source of litigation in those days consisted of the French claims in Peoria. During the war of 1812 one Captain Craig, acting under orders of the territorial governor, had come to the French village at Peoria lake and, erroneously supposing the inhabitants to be acting in league with the hostile Indians, burned their village and carried the inhabitants away to more southern counties. To atone for this act of injustice congress, in 1823, had granted to these settlers the lots on which they had resided, with their adjacent outlots. The quarter section on which the county seat was afterward located, and the tracts now known as Bigelow and Underhill's Addition and Ballance's Addition, were all patented subject to these rights of the French, but the claims were not surveyed out for several years after the grant. Charles Ballance, the attorney already mentioned, had become the owner of a large tract of land upon which he had laid out an addition, besides being the owner of other lots covered by the French claims. He, therefore, became champion of the parties in possession, while one Robert Forsythe, of St. Louis, championed the cause of the French, he being one of the heirs. The controversy hinged upon the statute of limitation, and the points to be determined were: First. Did the statutes run against these grants? Second. Were the defendants within the provisions of any of those statutes? These questions being finally resolved in favor of the occupants, this vexatious litigation which had lasted for twenty years came to an end. In these contests Judge Purple and Julius Manning had frequent occasion to measure intellectual swords with each other.

Judge Purple was a forcible rather than an elegant speaker. Unfortunately he had somewhat of a nasal enunciation, which, with those not accustomed to hear him, detracted not a little from the elegance of his diction. In appearance he was tall, erect and dignified, in physique he was well proportioned, in gesture not graceful, but the earnestness of his delivery made up for all the other defects and gave his speeches great weight. In the use of sarcasm he was cutting, and, when occasion demanded repartee, he was quick and pointed.

As a practitioner at the bar Judge Purple was exact as well as exacting. He never presented a matter in court without due preparation. Keeping himself within the rules of the court, he expected the same of others. He wrote a bold and very legible hand, and although his penmanship was not elegant, yet his court papers were always prepared with scrupulous neatness. In 1857

Judge Purple compiled and published an edition of all the laws of the state then in force, and before then had published a compilation of the real-estate statutes, which are known as Purple's Statutes and Purple's Real Estate Statutes.

Hezekiah M. Wead was a member of the convention which framed the constitution of 1848, and was the successor of William Kellogg as judge of the tenth circuit. After retiring from the bench he came to Peoria, and spent the remaining years of his life in the practice of the law, during which time he was associated at different times with Marion Williamson, Elihu N. Powell, William Jack and Lawrence W. James. He was a talented lawyer, an able and upright judge, a forcible speaker, a man of fine physical development and of strong will power. His career in Peoria was a successful one.

His position upon the questions of the day is shown by the following extract from a paper of the opposite party in politics, relative to an oration delivered by him July 4, 1862: "It was one of the best and most appropriate addresses of the kind we have ever listened to. * * * At the close the speaker alluded to the war progressing for the integrity of our country and the supremacy of the constitution under which we have made such glorious progress in all that can make a people great and happy. He was not among those who looked despondingly at the future; or had fears as to the result. 'The result,' said the Judge, 'will be the total overthrow of treason and rebellion, and before another Fourth of July dawns, the re-establishment of the national authority over every foot of the soil of these United States.'"

Henry Grove was a diamond in the rough. Born in Pennsylvania, he had in early life been taken by his parents to the state of Ohio, where he spent his youth and early manhood. Having there become accustomed to the hardy life of the pioneer backwoodsman, he retained many of its characteristics during life. In fact, he prided himself upon, and obtained much of his popularity by, keeping closely in touch with the sons of toil. He was a man of most decided native ability, but lacked that culture derived from early education, which many of his associates possessed. On this account some of them were inclined to deride him somewhat when he first came to the Peoria bar, but he proved himself a fair match for the ablest of them, not so much by the force of pure logic as by the force of that vast amount of wit, humor and ridicule which he was able, as occasion required, to throw into his speeches. I remember one occasion, when being hard pressed by his opposing counsel he found it necessary to divert the attention of the jury from the case itself, by turning upon his opponents. Making a terrific assault upon them for their alleged duplicity, and seizing the old worn Bible on the clerk's desk, quick as a flash he turned to the proper passage, and, pointing alternately to the two opposing counsel, read in the most sonorous voice he could command, "I say unto you the publicans and harlots go into the kingdom of God before you!" The effect was magical and brought the crimson to the faces of his opponents.

He was a man of about medium height and weight, had a heavy shock of black hair, which showed but slight acquaintance with either comb or brush; heavy eyebrows, small piercing eyes, prominent Roman nose, thin lips covering

firmly set teeth, protruding chin and full beard, less the mustache. His ill fitting clothes seemed to be hung upon him without reference to appearance. He wore low shoes, often down at the heels, and, if tied at all, they were tied with leather shoe-strings.

But with all these peculiarities Henry Grove was a man of power as well in political life as at the bar. As might be supposed from his antecedents, he had an utter contempt for the aggressions of the slave power, and early espoused the cause of the Anti-Nebraska party. He was elected to the legislature in 1854, and recorded his votes with others of that political faith, and when the tug of war came in 1860 he was made a delegate to the national convention, and had the honor of voting for Abraham Lincoln as a candidate for president of the United States. He was loyal to the core, and although too old, as he said, to go into the army, he was one of the most liberal supporters of the boys who did go. At the time of his death the Peoria bar passed a series of resolutions commemorative of his life and services, and upon presentation of the same to the circuit court, Mr. William F. Bryan gave the following sketch of his character: "It is superfluous to say that Mr. Grove had traits of character which made him peculiarly notable. His presence was always manifested by some demonstrative act. With but a limited education he had a rare command of the sturdy elements of his mother tongue. He was laboriously diligent in the practice of his profession and was always energetic and aggressive in behalf of his clients. * * * He loved the court-room and the excitement incident to its proceedings. His whole professional career has passed like a popular panorama before the public eye. Better, therefore, perhaps than any of his contemporaries, has he delineated his own character, and as it were so moulded and shaped it that like the statue of a sculptor it stands forth seen and recognized by all men." Henry Grove died in the month of May, 1872.

Alexander McCoy was a native of Pennsylvania, was graduated at Washington College in the class of 1844, was admitted to the bar in Ohio, about the year 1850, after which he came to Peoria and formed a partnership with Henry Grove, in 1851. In 1856 he was elected state's attorney for the sixteenth circuit, for the term of four years, and was re-elected to the same office in 1860. The duties of this office he discharged with signal faithfulness and ability. In 1861 he formed a partnership with Judge Purple, which continued until the latter's death, in 1863. In 1864 he was elected to the lower house of the legislature, on the Republican ticket. His ability as a lawyer was at once recognized by his being made chairman of the judiciary committee, which made him the leader of the house.

When the thirteenth amendment to the constitution of the United States was submitted to the legislature of Illinois for ratification and the same had passed the senate, it was upon the motion of Alexander McCoy that the same was at once ratified by the house. By this prompt action of its legislature the state of Illinois was the first to place the seal of immortality upon the brow of her noblest son, by its ratification of this amendment, insuring perpetual free-

dom not only to the black men of the south, but to every human being wherever our flag floats.

Upon the retirement of Judge Marion Williamson from the bench, in 1867, a partnership was formed between himself, Alexander McCoy, Lorin G. Pratt and John S. Stevens, which continued until the death of Judge Williamson, the year following. The business was then continued under the name of McCoy & Stevens until 1870, when Mr. McCoy retired and took up his residence in the city of Chicago. There he had at different times as partners, George F. Harding, Lorin Grant Pratt, C. B. McCoy and Charles E. Pope. About the year 1887 he retired from business, and in January, 1889, removed to California, where he died on February 10, 1893.

His late partner, Charles E. Pope, in writing to the surviving members of his college class in 1894, pays him the following beautiful and truthful tribute: "I can truthfully say that closely he approached my ideal of what the lawyer and true man should be. He was by nature and practice an honest man. This characteristic, united with great knowledge of equity principles and practice, made him a most excellent equity lawyer. His manner of presenting his case in court impressed those who listened to him with the feeling that he thoroughly believed in the justice of the cause he was advocating. His force of character, his rugged common sense, his careful, conscientious preparation of his case, his cool analytical dissection of the facts and law, usually led to success. Mr. McCoy's ability as a lawyer was well known to the public at large. His clients were among the most prominent citizens here. As regards his character as a man it is hard for me to speak in terms of moderation. His standing among his professional brethren was unchallenged. He was trusted and respected by all. Most genial, and gifted with a keen sense of humor, he was a most delightful companion. Those who have known him cannot, I am sure, but have been led thereby to a higher realization of what man can and ought to be."

Jonathan K. Cooper was one of the early members of the Peoria bar. He was a native of Pennsylvania, grandson of Robert Cooper, a noted Presbyterian divine and chaplain in the Revolutionary army. His father was John Cooper, who for many years was principal of a classical academy at which the son received his early education, and where he laid the foundation of that literary taste and that felicity in the use of pure English for which he was noted. At the age of seventeen years he entered Jefferson College, an institution of high grade, located at Cannonsburg, in western Pennsylvania, and was graduated in 1835. He afterward pursued a course of study of the law in the law school attached to Dickinson College, in Carlisle, where he came in contact with such men as Justice Gibson, Thaddeus Stevens and other leading lawyers of the state.

Upon the completion of his course he was admitted to the Carlisle bar, about the year 1839, soon after which he came to Peoria. As a lawyer Mr. Cooper was conscientious, painstaking and extremely careful of his clients' interests. He was modest and retiring to a fault, generally underrating his own abilities, while probably overrating the ability of others. By cultivation he had

become accustomed to the use of the choicest language, which he never lost sight of even in the heat of debate. He was a forcible, although not brilliant speaker, but he fully made up for this apparent defect by the earnestness of his manner, the force of his language and by the most admirable choice of words in which he was accustomed to express his thoughts.

Mr. Cooper was not ambitious for fame, nor was he ever an aspirant for any office, but quietly and industriously pursued the practice of his profession as long as the state of his health would permit. He had a supreme contempt for everything low or vile, and never would on any occasion countenance a suggestion of vulgarity, either at the bar or in his intercourse with his fellow men. He, as well as others, sometimes became the object of Mr. Grove's ridicule, but Mr. Cooper was able to cut back with a keen blade. On such occasions it was a contest between the tomahawk of the son of the forest and the polished steel of the knight errant. Yet, opposite as they were in character, they were warm friends and each enjoyed the confidence and esteem of the other.

At the time of his death it was truthfully said of him by Hon. H. B. Hopkins, one of his associates at the bar: "For many years he enjoyed more of personal regard and friendship, and the kindly expression of them, more of the love and trust of home friends, of professional associates and business patrons than falls to the happy lot of many men of our times and locality. * * * It is with regret, with grief and a tear that we contemplate the broken tie which bound him to us, and place a fresh memory along with that of those who have preceded him. * * * And in amiable qualities, in gentleness and sweetness of life and character he had few equals among the living or departed of our generation."

About the year 1857, two brothers, Ebon Clark Ingersoll and Robert G. Ingersoll, came from Gallatin county to Peoria. They were both immediately recognized as talented young attorneys, and, both being Democrats, they soon took prominent positions in that party. The elder brother was then a representative in the legislature from the fourth district, and after the death of Owen Lovejoy, in March, 1864, he was elected as a Republican to succeed the latter in congress. After the expiration of that term he was elected three times in succession to represent the fifth district. Having failed in his re-election in 1870, on account of the breaking up of party lines, he retired to private life in Washington city, where he continued to reside until the time of his death. He was in congress at the time of the close of the war, and took an active part in the proceedings of that body during the exciting times of the reconstruction of the Union.

Robert G. Ingersoll was regarded as an abler lawyer, but was not so successful in politics as his brother. In 1860 he ran for congress, as a Democratic candidate against Judge William Kellogg, the Republican candidate. In 1861 he went into the army as colonel of the Eleventh Regiment of Illinois Cavalry. His experience in the army wrought a complete revolution in his political views, and ever afterward he was an ardent Republican. From February, 1867,

to January, 1869, he held the office of attorney general, by appointment of Governor Oglesby.

In 1868 he was a candidate before the Republican state convention for the office of governor, but was defeated by the friends of General John M. Palmer, who was subsequently elected. Some years after his brother had taken up his residence in Washington city, Robert G. Ingersoll went there to reside, and the two continued in business together until the death of the former. The latter subsequently went to New York city, where he has achieved such a wide reputation that a full account of his career becomes impossible in these local notices.

Henry W. Wells is perhaps the senior member of the Peoria bar in active practice. Having received his early education at Galesburg, Illinois, he entered the National Law School (then at Ballston, but afterward removed to Poughkeepsie, New York), where he graduated in 1853 and was admitted to the New York bar. Returning to Illinois he continued his studies in the law office of Messrs. Johnson and Blakesley, teaching school in the winter seasons, until the year 1855, when he entered upon the practice of the law at Cambridge, Henry county, Illinois, and very soon did an extensive business. In 1862 he enlisted in the One Hundred and Twelfth Regiment of Illinois Infantry, as a private, and was afterward promoted to the office of major. He continued in the service until the close of the war. In 1865 he returned to Peoria and has ever since been engaged in the practice of the law. He is well known to the profession as the author of a valuable treatise entitled *Wells on Replevin*, which is accepted as standard authority. In 1869 he was elected as a member of the constitutional convention and did efficient service in the framing of our present constitution. This is the only public office Major Wells has ever held.

John T. Lindsay was at one time a member of considerable prominence of our bar, but is now a non-resident of the county. When I first became acquainted with the bar of Peoria he was engaged in the practice of the law in company with Henry Lander, formerly a partner of Julius Manning, in Knox county. Mr. Lindsay continued the practice of the law for many years thereafter, and during that time had several partners. He served for one term as a member of the house of representatives and one term in the state senate. While a member of the senate, although he had been elected as a Democrat, he voted for the ratification of the thirteenth amendment to the constitution of the United States.

Charles C. Bonney properly belongs to Chicago, where his reputation has been achieved, yet it is true that he was admitted to the bar and for several years practiced his profession in Peoria. While here he took into his office as a student a penniless Irish boy named William W. O'Brien, who afterward became a man of considerable note at the bar, as well as in political life. He was unfortunate in not having a good academical education, for he was a man of natural abilities and force of character. As a successful criminal lawyer he had few superiors in the state. He was a forcible speaker, impulsive in the argument of his cases and seemed to carry his point by mere force, rather than by logical argument.

He was an ardent Democrat and adhered to the anti-war wing of his party to the last. He was elected to the lower house of the legislature in 1862 and took a prominent part in the action of that body which finally led to its adjournment by the proclamation of Governor Yates. He was a delegate to the national Democratic convention which nominated Horatio Seymour for president, in 1868, and in that same year was the candidate of his party for congressman for the state at large against General John A. Logan, the successful candidate. He subsequently removed to Chicago, where after some years of practice, with varying success, he died.

In addition to those already named the following members of the Peoria bar have been members of the legislature, viz.: Senators,—Mark M. Bassett, one term; Andrew J. Bell, two terms; Lucien H. Kerr, one term; John S. Lee, two terms; John M. Neihaus, one term; James D. Putnam, present incumbent. Representatives,—Mark M. Bassett, one term; Robert S. Bibb, one term; Samuel Caldwell, one term; Horace R. Chase, one term; John S. Lee, one term; John M. Neihaus, one term; William E. Phelps, one term; Michael C. Quinn, two terms; James M. Rice, one term; Julius S. Starr, two terms.

It would afford me much pleasure to be able to give an extended notice of all my contemporaries at the bar, as well the living as the dead, but lack of time and space forbids. The Peoria bar had an honorable representation in the army during the war of the Rebellion whose records are well preserved in local history. I add the following brief notes relative to the judges of the circuit court:

JUDGES OF THE CIRCUIT COURT.

Onslow Peters was the first judge of the sixteenth circuit. He was a native of Massachusetts and had come to Peoria as early as the year 1836. Before his accession to the bench he had enjoyed a practice extending over a large portion of the northern end of the state. He was a man of great public spirit; had been a member of the constitutional convention of 1847, and is said to have been the author of our system of township organization. He was a strong advocate of popular education and aided much in the establishment of our system of public schools.

He was re-elected in 1855, but occupied the bench less than three years in all, having died, in Washington city, February 28, 1856. As I remember him, Judge Peters was rather short in stature, had a very bald head, surrounded by a ring of dark hair; had a broad and not very expressive face, and was burdened with a great rotundity of person. He is, by one historian, said to have been somewhat pompous in his manner, but, never having heard him speak except at some local meetings of a business character, I am not able to add my testimony to that charge. I knew him as a good-natured, genial gentleman, ever ready to do a kindness or to render friendly advice to a young man when needed.

Upon the death of Judge Peters, Jacob Gale became his successor for a few months. Judge Gale had not been engaged in the active practice of

the law for some years, but had for a long time held the office of circuit clerk, and by that means had kept himself well informed as to the proper administration of the law. But the onerous duties of the bench proving distasteful to him, he resigned his office and was succeeded in November of the same year by Elihu N. Powell.

Judge Powell came from Ohio at a very early day, and, although he had not the advantage of a thorough education in early life, yet, through indomitable industry and perseverance in his studies, he became a very able lawyer. He has had as a partner for some years Mr. William F. Bryan, under the firm name of Powell & Bryan, which firm attained to a very extensive and lucrative practice. At the time of his death, in 1871, Judge Powell was considered the senior member of the Peoria bar. He had the rare faculty of being able to cite from memory, giving book and page, any reported case he had ever read. Neither he nor his partner, Bryan, were great orators, but each of them was able to present his case to court or jury with commendable ability and force. Mr. Bryan still survives, but has long since retired from the bar.

Judge Powell was succeeded in 1861 by Amos L. Merriman, who held the office until the latter part of the year 1863, when he resigned the same to take up the then growing business of prosecuting war claims against the government; for which purpose he removed to Washington city, where he still resides. As before stated he had been partner with his brother until the time of the latter's death, in 1854, after which he was partner of Julius Manning until his accession to the bench. He was the office lawyer of both firms, and became an expert in the preparation of court papers, as well as all other documents necessary to be prepared in the office of an attorney. He was not considered a very able advocate, but was an excellent judge of the law, and discharged the duties of his high office with ability and to the satisfaction of all. Upon the retirement of Judge Merriman he was succeeded by Marion Williamson.

Judge Williamson had come to Peoria about the year 1856. He was a native of Ohio and had received only a common-school education, but his native talent and diligent study overcame all obstacles and placed him in the front rank of the younger members of the bar. After coming to Peoria he was first associated for three years with Hon. Hezekiah M. Wead, after which, until his accession to the bench, he practiced alone. It was truthfully said of him, "He filled the office with honor to himself and benefit to the community. His peculiar adaptability to the position made him one of the best officers that ever sat upon the bench." Upon retiring he formed a partnership with Alexander McCoy, Lorin G. Pratt and John S. Stevens, which was terminated by his death the following year.

Sabin D. Puterbaugh, the successor of Judge Williamson, was likewise a native of Ohio, but had come with his parents to Illinois when he was five years old. His early education was obtained at the common schools of Tazewell county. He was admitted to the bar in January, 1857, and at once became partner of Hon. Samuel W. Fuller, then state senator from that district. After the removal of Mr. Fuller to Chicago, Mr. Puterbaugh formed a partnership

with Hon. John B. Cohrs, which continued until 1861. Mr. Puterbaugh then entered the army as major of the Eleventh Illinois Cavalry, and remained in the service until November, 1862, when he resigned and removed to Peoria. In 1868 he formed a partnership with E. C. & R. G. Ingersoll, the former of whom was then a representative in congress. This firm continued until June, 1867, when he was elected to the office of circuit judge. He held this office until March, 1873, and then resigned to resume the practice of his profession. As a judge he was upright, painstaking, diligent and correct in his decisions, and discharged the duties of his office with ability and fidelity. He is perhaps best known to the profession as the author of Puterbaugh's Common Law Pleadings and Practice and Puterbaugh's Chancery Pleading and Practice, both of which works are accepted as standard authority.

Judge Puterbaugh also, in 1877, took a conspicuous part in the measures before the legislature for the reorganization of the judiciary, and the creation of the appellate courts. To his efforts probably more than to those of any other one man the state is indebted for the adoption of those measures.

In politics he was a Democrat until the outbreak of the Rebellion, when he identified himself with the Republican party, and he was one of the presidential electors in 1880, at which time he cast his vote in the electoral college for James A. Garfield for president and Chester A. Arthur for vice-president. He continued in the practice of the law until his death, which occurred on September 25, 1892.

Upon the resignation of Judge Puterbaugh, Henry B. Hopkins was appointed by the governor to fill out the unexpired term. Although an excellent lawyer, Mr. Hopkins did not give promise of very great success as a judge. The trouble seemed to be that he was too cautious and too considerate, and consequently too slow in his movements for the speedy dispatch of business. He was a native of Vermont and had for many years been a partner of E. G. Johnson. He was exceedingly laborious and painstaking, and had the reputation with the judges of the supreme court of having prepared some of the best arguments ever presented to that tribunal. He died in 1892.

Joseph W. Cochran, a native of Ohio, succeeded Judge Hopkins. He had come to Peoria about the year 1858, and had been successful as a lawyer and master in chancery. His present place of residence is the city of Chicago. At the same election John Burns, of Lacon, Marshall county, was elected judge of the adjoining circuit. Judge Burns had been engaged in successful practice for many years in Marshall and adjoining counties, and had represented his district in the constitutional convention of 1862. By the action of the legislature of 1877 these two circuits were united, and David McCulloch was elected as the third judge of the new circuit.

At the election of 1879 Judges Burns and McCulloch were re-elected and Ninian M. Laws, of Marshall county, succeeded Judge Cochran. Judge McCulloch was immediately assigned to the appellate bench of the third district, which position he continued to occupy until the end of his term.

At the election of 1885, Thomas M. Shaw, of Marshall county, Nathaniel

W. Green, of Tazewell county, and Samuel S. Page, of Peoria county, were elected. Judge Shaw had very ably represented his district in the state senate during the thirty-second and thirty-third sessions of the legislature, and had at the latter session been honored with the unanimous vote of the senators of his party for the position of president pro tempore of the senate. He is now filling his third term on the circuit bench.

Judge Green was immediately assigned to the bench of the appellate court, a position he continued to occupy until his retirement, in 1897. Judge Page resigned in 1890, and was succeeded for the remainder of the term by Hon. Lawrence W. James. At the election of 1891, Judges Shaw and Green were re-elected and Nicholas E. Worthington succeeded Judge James.

Judge Worthington had ably represented the tenth district for two terms in the congress of the United States, and had been appointed by President Cleveland as a member of the labor commission, in which capacity he had made and presented to the president a very able report.

At the election of 1897 Judges Shaw and Worthington were re-elected and Leslie D. Puterbaugh succeeded Judge Green. Upon his re-election Judge Worthington was immediately assigned to the bench of the appellate court for the fourth district, a position he still occupies.

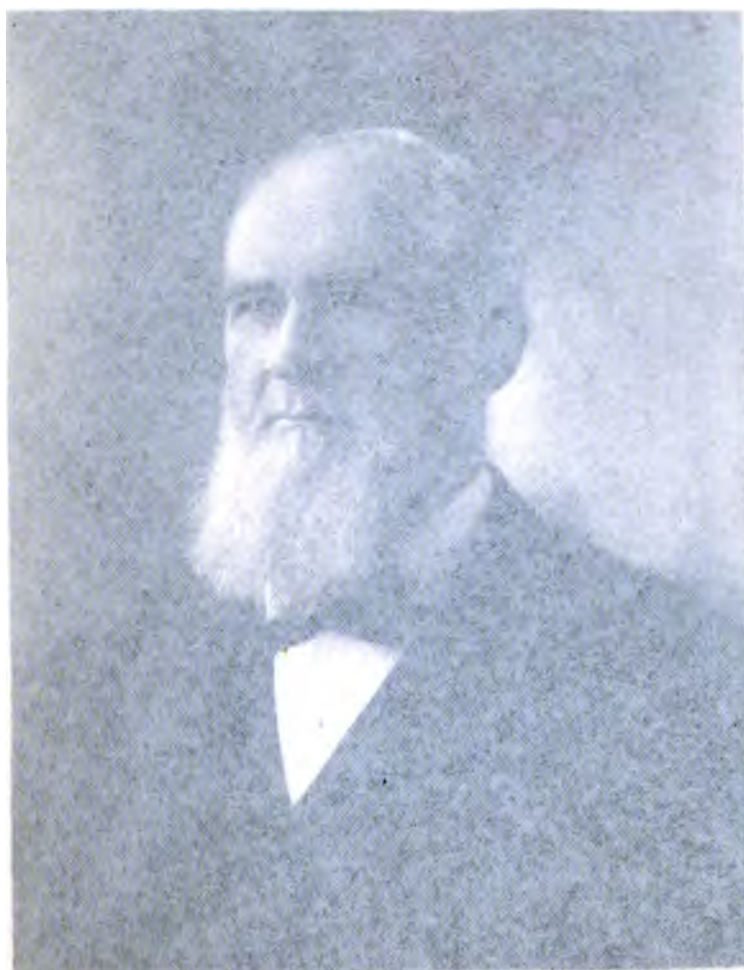
CHAPTER XVI.

LAWYERS OF PEORIA COUNTY.

DAVID McCULLOCH.—Before the days when the railroad connected Peoria with the outside world David McCulloch located in that city and has since made it his home. He was born January 25, 1832, in Cumberland county, Pennsylvania, and is a son of Thomas and Isabella (Blean) McCulloch, the former a farmer by occupation. The great-grandfather of our subject, John McCulloch, a resident of the north of Ireland, came to America about the year 1735, locating west of the Susquehanna river, where many of his descendants still reside.

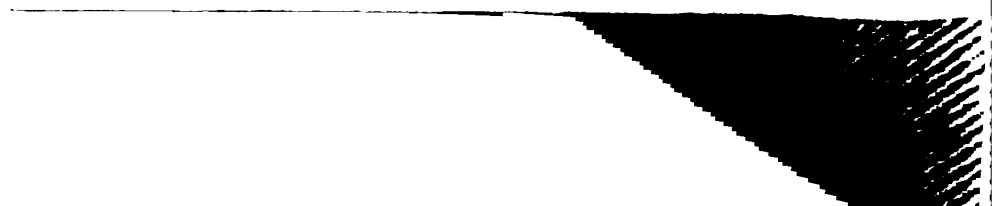
David McCulloch acquired his collegiate education in Marshall College, of Mercersburg, Pennsylvania, and was graduated in the class of 1852. He then engaged in teaching in his native village for six months, after which he started westward, having determined to try his fortune in Illinois. He arrived in Peoria on the 23d of April, 1853. There was then no railroad nearer than Bureau Junction, near Hennepin, and he completed the journey by steamboat from La Salle. For two years after his arrival he conducted a private school, after which, in the spring of 1855, he began the study of law in the office of Manning & Merriman, prominent attorneys of Peoria, and was admitted to the bar in 1857. In November, 1855, however, he was elected school commissioner of Peoria county, an office equivalent to the present one of county superintendent, in which capacity he served for three terms of two years each, from 1855 until 1861. He was then taken into partnership in the practice of his profession with Julius Manning, one of the ablest lawyers in the state, who died July 4, 1862. In the same year he formed a partnership with Charles P. Taggart, who in 1864 was elected state's attorney of the sixteenth circuit; but on account of his failing health the duties of the office were for more than two years performed by Mr. McCulloch. From 1870 until 1875 Mr. McCulloch was a partner of John S. Stevens, and in 1877 was elected to the office of circuit judge, in which capacity he served for eight years. In 1879 he was assigned by the supreme court as one of the justices of the appellate court of the third district, where for five years he was associated with Judges Chauncey L. Higbee and Oliver L. Davis. The former then died and was succeeded by Judge William Welch for one year. On his retirement from the bench in 1885 Judge McCulloch formed a partnership with his son, E. D. McCulloch, and the firm has since occupied a leading position at the Peoria county bar, retaining a distinctively representative clientele.

That the Judge ranks high with his brethren of the bar is indicated by the fact that at the first meeting of the State Bar Association he was placed on a



David H. Woodcock





committee with Judges Sabin D. Puterbaugh and Anthony Thornton, which devised the plan and drafted the bills which afterward, with some modifications, became laws, whereby the judicial system was reconstructed and the appellate courts were brought into existence; also by the fact that he was elected as the second president of that association; that he has repeatedly been called upon to address it upon the most important topics, and has acted upon its most important committees.

Judge McCulloch was reared in the Democratic faith and cast his first presidential vote for James Buchanan, for whom he entertained a high personal regard on account of his having been president of the board of trustees of Marshall College while Mr. McCulloch was a student at that institution. In 1860 he voted for Stephen A. Douglas. During the campaign of 1862 he, as a war Democrat, advocated the election to congress of Colonel Thomas J. Henderson (who was then actively engaged in the field) as against Owen Lovejoy; but, finding the lines between union and disunion becoming very strongly drawn, he declined voting for some of the Democratic candidates. From that time until 1886 he voted the Republican ticket and since then the Prohibition ticket. At all times he has been a loyal American, placing country before party, and at the present time is giving his support to the McKinley administration, for, in this critical period of our history, when all the tact and diplomacy of our statesmen are needed to settle the controversy with Spain, he believes in upholding the hands of him upon whom rests the great responsibility of maintaining the honor of the nation and asserting her rights against the encroachments of foreign powers. It is at such times that partisanship should sink into insignificance and the interests of the nation should be paramount, and in such a crisis men of the caliber of Judge McCulloch are ever found true to the highest principles and loftiest patriotism.

In his church relationship the Judge is a Presbyterian, and since 1870 has served as a ruling elder in the Second Presbyterian church of Peoria. He has also for several years been a member of the board of directors of McCormick Theological Seminary at Chicago, one of the leading educational institutions of that denomination. He was married September 2, 1858, to Mary Fulton Hemphill, who resided near Shippensburg, Cumberland county, Pennsylvania. Their children are Edward Dickinson, William Herron and Mary Hemphill, now the wife of Edward D. McDougal.

W. F. Bryan, of Peoria, is a retired lawyer, who for some years was prominently identified with the legal profession in that city. He is descended from Anglo-Irish ancestry. The name Bryan is derived by English heraldry from Bryn, which is the Anglo-Saxon name of a hill. It is now found among old family names of England, buried under titles. Ireland, however, has her familiar O'Brians and O'Briens, and France her Chateaubriands, Briens and Briens. The great-grandfather of our subject, Samuel Bryan, was a native and resident of Dublin, and a prominent shipping merchant of that place. He married a Miss Dennis, who was also born in that locality and brought the pure Irish strain into the paternal ancestry, although France claims title to this name

also, through her national Saint Denis, deriving it from Dionysius (Dionese), of Gracca.

George Bryan, their eldest son, and the grandfather of our subject, was born in Dublin, in 1730, and in 1750 crossed the Atlantic to the new world, locating in Philadelphia, where he also engaged in business as a shipping merchant. He was then only twenty years of age, and the following extracts from a letter which he received from his father in 1752 will serve to show something of the spirit of that era and the opinions and manners of the better class of Irish gentlemen at that period. One can easily picture him as a man of the eighteenth century with cocked hat, powdered wig, plaited or ribboned queue, knee breeches, silk stockings, silver-buckled shoes and a small sword hanging from his side. In response to a letter from his son, he took the opportunity to give him some good advice concerning the paths of life in which he should walk, and said: "I am informed your evenings are taken up in boating on the river and down to Mr. Bleakly's. This can in no way improve you as a man coming into life. I've commended to you the best of company to keep,—men in business, men of conversation and good manners, that when I meet you again I may not meet with the rustic or tar, but the genteel, pretty, agreeable fellow, as well as the complete, sensible merchant; and this will never be the case if you proceed in your present course; for you take the readiest method to lock yourself from what I have recommended to you to do. I gave you long letters before leaving home, recommending your going into all companies where men of manners, sense, etc., were to be found,—the expense I valued not,—and those as good or better than yourself. The amusements of dancing, fencing, the use of the small sword, taking a glass of wine or punch with a few such, I am recommending at particular evenings, and after business is over will be showing yourself to mankind to be known and regarded. Let not the carelessness of the world about you with respect to God and religion have any effect on you, for if once you can lose sight of this you will be an easy prey to every vice which offers. I am doing everything in my power to advance you in the work and establish you as my son. Do not defeat it in any one instance, but resolve, and I am sure you have resolution enough to surmount everything I can find fault with."

The good advice offered was dutifully followed by the son, and George Bryan not only won the respect and esteem of his fellow men but also received at their hands high honors, and left the impress of his strong individuality upon the early history of the state. He had acquired a collegiate education, and his tastes and ambition soon inspired him to other than a mercantile life. From 1764 until his death, in 1790, he was the popular favorite and active recipient successively of judicial, ministerial, executive and legislative honors, and finally, in 1780, won the highest judicial honors within the gift of the people of the state, serving as judge of the supreme court of Pennsylvania until the time of his death. In his first contest for political office, in 1764, he was elected burgess over Dr. Franklin and another opponent. "Franklin," writes the chronicler naively, "died like a philosopher; his associate agonized in death and afterward

General Reed went over to the British." (Life of General Reed, volume 1, page 30.) "An active political opponent, a Federalist, accredits Judge George Bryan as the author of the first constitution of Pennsylvania, which the Federalist denounces as the inevitable precursor of anarchy. (Life in Pennsylvania, L. 302.) An electric flash of sarcastic humor now exhibits Dr. Franklin as an 'oily gammon' who had discovered that 'oil would smooth the ruffled surface of the sea.' So had he found it most effectual in assuaging the troubled minds of his fellow men. Hence he was claimed by both constitutionalists and antis. With respect to Mr. Bryan, so conspicuous at this era, he seldom failed to give evidence of such recondite memory that a bet was once offered that he could name the town crier of Bergen-op-Zoom. In other respects he was well enough and even one who in the main was acting the patriot (*ibid.*); but, alas! after the manner of Jefferson, who then, as Lincoln in our time, advocated 'government of the people, for the people and by the people.'"

George Bryan was also a delegate to the congress, held in New York in 1765, to protest against the British stamp act. (Life of Reed, volume 2, page 481.) As vice-president and as acting president of Pennsylvania in 1778, he urged the legislature to abolish slavery. "People of Europe," he said, "are astonished to see a people struggling for liberty holding negroes in bondage;" and in 1779, as a member of the legislature, he secured the passage of the first act abolishing slavery in this country. (*Ibid.*, volume 2, page 173.) In 1779 he was appointed, in connection with James Madison and others, to establish the boundary line between Pennsylvania and Virginia, and while so engaged advised and secured the adoption of the Mason and Dixon line, which was subsequently (1780) ratified by congress. In 1780 he was appointed judge of the supreme court of Pennsylvania, and served in that capacity for ten years, when death ended his career.

He was married in Philadelphia, to Elizabeth Smith, and they had five sons and two daughters. One of the sons, Arthur Bryan, became the father-in-law of Commodore Turner of the navy.

George Bryan, Jr., father of our subject, was born in Philadelphia and acquired a collegiate education. His early manhood was devoted to mercantile pursuits in that city. He was a man of domestic tastes and retiring disposition, and the only public office which he held was that of auditor general of the state, which was doubtless given him on account of the brilliant reputation of his father. When public office became the spoils of the victor he naturally retired. At the time of his elevation to the office he removed to Lancaster, Pennsylvania, which was the capital of the state from 1799 until 1812. It was then removed to Harrisburg, and Mr. Bryan accordingly took his family to that place; but on his retirement from office he returned to Lancaster, where he carried on merchandising until his death, in December, 1838. He married Anna Maria Steinman, a native of Lancaster and of German (Moravian) parentage. She was educated in the noted Moravian Academy, at Bethlehem, Pennsylvania, the first school for young ladies in America. Her father, Frederick Steinman, was an active and prosperous hardware merchant and manufacturer, and her mother

was Margaretta Sybilla (Mayer) Steinman. They were members of the Moravian church, which, together with the Lutheran and German Reformed churches, embraces a large portion of the enterprise, wealth and culture of Lancaster.

W. F. Bryan, of Peoria, was born in Lancaster, August 22, 1810, and when only two years of age was taken by his parents to Harrisburg, where he began his education. He afterward studied in his native city, the family returning there on the father's retirement from office. He pursued a regular college curriculum in private schools, and soon after laying aside his text-books he was sent to Washington, D. C., to learn the art of printing. His father had a wealthy cousin who had retired from an active and successful career of politics and journalism and was then enjoying the fruits of his labors in an elegant country villa near that city. The ultimate object of this choice of a profession, as he afterward learned, was to equip him for the higher career of editor; but setting and distributing type became monotonous to him and he returned home. Later, however, while preparing for the bar in the city of Lancaster, he realized, in a small way, though incognito, his father's aspiration for him by assuming the editorship of a weekly political paper. One other good resulted from his stay in the capital city. His residence there was enlivened by weekly visits to the hospitable mansion of his relative, Samuel Harrison Smith, and there he was often brought in contact with many distinguished statesmen of the time, which of course had its influence upon his life. After his return from Washington Mr. Bryan was sent to Chillicothe to be initiated into the vocation of merchandising, but the business pursuits selected for him by others did not accord with his tastes and temperament and he ultimately drifted into a profession more in harmony with his tastes and desires. It was while in Chillicothe that he became a member of a debating club, where he frequently met Allen G. Thurman, afterward the distinguished senator from Ohio, and the eminent lawyer and jurist. From that time the bar became the pole star of Mr. Bryan's ambition. He bent all his energies toward reaching the goal, immediately returning to Lancaster, where he began the study of law.

In due course of time he was admitted to the bar. About that time the cry of "Westward, Ho!" resounded through the land, and on the tide of emigration steadily drifting toward the setting sun he made his way to Illinois. The journey was made by stage to Pittsburg and thence by the Ohio and Illinois rivers, stepping from the steamer to the levee at Peoria in the spring of 1839. For many years thereafter he engaged in the practice of law and secured a large clientage. He was a close and diligent student and gained a broad and comprehensive knowledge of the science of jurisprudence. He won some important suits, yet the theory and the science of law were ever more attractive to him than the contests of the forum. His cases were prepared with the greatest thoroughness and precision, and his arguments were logical, forceful and convincing. Possessed, however, of an extremely nervous organism, he was in a measure unfitted for the exciting scenes of the court-room, yet the court records

indicate by the many leading cases which he won his marked ability and talent for the law.

In September, 1845, Mr. Bryan was united in marriage to Miss Jane G. Evans, of Lancaster, Pennsylvania. Her father, Robert Evans, then deceased, was a successful merchant and left his family in comfortable circumstances, and the mother, Anna Margareta (Gundaker) Evans, being most devoted to her children, provided them with the best educational privileges. She was a member of the Lutheran church until her marriage, when she joined the Presbyterian church, to which her husband belonged. Her death occurred a few years after the marriage of her daughter, Mrs. Bryan, who completed her education in Philadelphia, and was a most cultured lady. To our subject and his wife were born six children, namely: Anna Margareta, wife of Arthur H. Rugg, a resident of Chicago; George, of Peoria, who married Eugenie M. Steele, of Romulus, New York, and has two children,—Margaretta and George; William Frederick, a resident of Peoria; Edward Arthur, who married Lucy Gibson, of Peoria, and with his wife and son, William Frederick, resides in Chicago; Robert Evans, who died in early childhood; and Jennie Logan, who resides with her father in Peoria.

Largely on account of his nervous temperament and studious inclination Mr. Bryan has always preferred the retired life of the scholar to the active one of the politician or society man. He has never sought or desired political preferment and has held no public office, whatever, except in scientific and literary societies to which he has belonged. He has carried his research and investigation far and wide into the realms of literature and science, and has delighted in the companionship of his favorite authors, who are to him true and tried friends of long years' standing. At all times he has commanded the respect and esteem of his fellow men, and well deserves mention in the history of the Illinois bar, at which he won high standing.

Hezekiah M. Wead.—Vermont is a small state, and comparatively a sterile one; but the intelligence, industry, energy and self-reliance of her sturdy sons for many years after the adoption of the federal constitution gave to them an influence, out of proportion to their numbers, in the development and legislation of each new commonwealth admitted to the Union. In common with other states carved out of the Northwestern territory, Illinois, in her infancy and youth, received as emigrants many sons of Vermont who, thoroughly uniting their own fortunes to hers, gave to their adopted state loyal and intelligent service, and in their turn waxed strong with her growth and prospered with her prosperity. Between the years 1820 and 1850 especially, the learned professions in Illinois, and particularly that of the law, received from the Green Mountain state many such recruits; and among those who thus sought upon the fertile prairies of the west a more inviting field for the practice of law than was afforded by the conditions of their native states, and who achieved in his new home an honorable degree of success, both as a lawyer and a citizen, was Hezekiah M. Wead.

Family tradition has it that his early ancestors were Huguenots, who, driven

from France by religious persecution, about 1650, settled in western Connecticut, and that some of the descendants of the original stock early emigrated from Connecticut, first to Massachusetts and afterward to Vermont, in which state, at Sheldon, Franklin county, the subject of this sketch was born, on the 1st of June, 1810. As a boy he was bright and intelligent, and possessed a good memory and lively imagination. His father was not a man of great means, and he pursued his education in the village school of Sheldon, through the winter seasons only, until he attained his seventeenth year. He then attended an academy at Castleton, Rutland county, for about six months, which completed his education, so far as instruction in a school-room was concerned. However, he had already acquired a desire for learning and a love of books, and by extensive reading in early manhood he became well informed upon matters of American and European history, English literature, political economy and other congenial subjects, as well as in the profession to which he devoted his special attention and best efforts through life.

After leaving Castleton Academy he served for a time as a clerk for a merchant in West Rutland, Vermont, and later worked his passage on a canal-boat, starting from a point near Rutland and going to Pittsford, Monroe county, New York. In the latter place he taught school for several terms, and at the same time began the study of law, having access to the library of Ira Bellows, Esquire. From Pittsford he went to Malone, Franklin county, New York, where he continued the study of law under the direction of Asa Haskell, and where, in 1832, he was admitted to practice before the court of common pleas of Franklin county.

He did not remain long, however, at Malone, but went from there to St. Albans, Vermont, which is near his birth-place. There he entered the office of Messrs. Smalley & Adams, then eminent lawyers of that place, with whom he remained as a law student for a few months, when he was admitted to the Vermont bar. Subsequently he removed to Akron, Ohio, where he taught school for about a year, and then returned to the Green Mountain state, where shortly afterward, about the year 1836, he formed a co-partnership for the practice of law with General Seth Cushman, of Guildhall, who was then one of the most eloquent and able lawyers of New England. This connection was maintained for two years, during which time the firm practiced in several adjoining counties of Vermont and New Hampshire. Soon after the dissolution of this partnership Mr. Wead went to New Jersey, where he engaged in teaching school for about three years. At the expiration of that period, he removed to Illinois in 1840, locating in Lewistown, Fulton county, at which place he at once opened an office for the practice of his profession.

In his history of Illinois Governor Ford says that the year 1840 was one of the darkest periods in public affairs in the annals of the state. The reckless system of public improvements, inaugurated in 1836, had then resulted in an inevitable crash, with great financial loss to the state. The State Bank and the Shawneetown Bank, in both of which the state was a large stockholder, and to sustain the credit of which its good faith was pledged, had both suspended specie

payments, and their notes, already greatly depreciated in value, continued to further depreciate until both banks ultimately failed. The state debt in 1840 amounted to about fourteen million dollars, then a prodigious sum compared with the state's resources and ability to pay; interest was in arrears; and there seemed no way possible to provide for the payment of the debt. At this critical juncture in the affairs of the commonwealth dishonest men and men not naturally dishonest but of faint heart, throughout Illinois, began to advocate repudiation of the debt, and so popular was this cry as a remedy for the result of the previous reckless expenditures of the state legislatures that it soon became a controlling state issue, and for several years following 1839 it was a question of great doubt whether or not the state would financially repudiate.

Mr. Wead, before his arrival in the state, had been an ardent Democrat, and continued there his allegiance to that party. In both that party and in the Whig party, however, repudiationists and anti-repudiationists were to be found. Mr. Wead promptly allied himself with the latter, and gained many warm friends by the earnestness, ability and force with which, upon the stump and off of it, he advocated his views in this regard.

Very soon after his arrival in Fulton county his ability as a lawyer was recognized, and he speedily obtained a fairly lucrative practice for those days. In 1847, partly because of his standing at the bar, but mainly because of his unyielding opposition to state banks and repudiation of the state debt, he was elected a member of the convention to revise the state constitution, and when that convention met he was appointed a member of the committee on judiciary and took an active part throughout the sessions of the convention in the preparation of the new constitution.

During the time of his experience as a teacher in Ohio and New Jersey, Mr. Wead had been led to take a very deep interest in educational matters, and particularly in the question of popular education. This interest continued to be actively manifested for many years after his arrival in Illinois, at which time the common-school system of the state was in a most chaotic and unsatisfactory condition, and he labored zealously to correct this evil and advance the usefulness of the public schools. Other friends of popular education throughout the state were also working most earnestly with the same end in view, and in 1844 a convention was held in Peoria at which John S. Wright, of Chicago, D. J. Pinckney, of Ogle, and H. M. Wead, of Lewistown, were appointed a committee to prepare and submit to the next session of the legislature a memorial in favor of an efficient common-school system. This memorial was prepared and submitted to the legislature of 1845, and appears in the Reports of the Transactions of the Illinois Legislature of that year.

Mr. Wead took an active part in the preparation of this report, which was an able and exhaustive document, and recommended many radical and important changes in the existing laws. Most of the changes so recommended were ultimately made, and this memorial forms an important stone in the foundation of our common-school system. Few of these changes, however, were made by the legislature to which the memorial was submitted, although the system advocated

therein had the hearty support and approval of Governor Ford, then the chief executive of the state. It did, however, take some steps toward bringing about the reforms recommended, and subsequent legislatures slowly took other steps in the same direction. At the time of the meeting of the constitutional convention, however, there was still much left to be done, and the friends of a broad, efficient common-school system throughout the state were very anxious that recognition should be made of the matter, and such system provided for, by the new constitution. The Hon. John M. Palmer was chairman of the committee on education of that body, and was heartily in favor of most of the provisions referred to; and he, as well as Mr. Wead, and many others, labored earnestly to have some action in the matter taken by the convention. The time for such action, however, appeared to be unpropitious. By the majority of the delegates it was deemed either unwise or not within the scope of their duties, and nothing was then done; but later, by the constitutional convention of 1870, the subject was directly and efficiently acted upon.

No other subject before the convention of 1847, not excepting even the question whether the legislature should or should not be authorized to charter state banks, excited more earnest attention or discussion than the provision to be made in the constitution for a system of judiciary. Under the constitution of 1818 the judiciary system of the state conformed closely to that of the United States. The judges of the supreme court were appointed instead of being elected by popular vote as they now are; they held their office during good behavior; they performed not only the functions of a court of appeals, but also held nisi-pris courts in the various circuits of the state, and they appointed their own clerks in such circuits. The system had not proved satisfactory to the bar, nor to the public; the appointment of clerks had even provoked a great deal of scandal, but the ideas of the various members of the judiciary committee in the convention and of the other members of the convention were widely variant as to a system to take the place of the then existing one. After much debate a system was agreed upon, providing for dividing the state into three grand divisions, in each of which a judge of the supreme court should be elected for nine years and a clerk for six years; and for nine circuits, to be increased as needed, in each of which a circuit judge should be elected for six years and a clerk for four years. By the new system the judges of the supreme court were relieved from nisi-pris duty, but were compelled to hold in each grand division at least one term of the supreme court each year. Substantially this system, then created, has prevailed ever since, but in view of the recent consolidation of the three grand divisions, it is of interest to note that a most persistent, and at one time apparently a successful fight, was made to require one session of the supreme court each year in each judicial circuit of the state.

By the constitution of 1847 the salaries of the supreme judges were fixed at twelve hundred dollars each per year; those of the circuit judges at one thousand dollars each per year. These salaries were regarded by many members of the convention, including Mr. Wead, as utterly inadequate and certain to result in preventing men of high talent and suitable qualifications from ac-

cepting the offices. It seems probable, in view of the fact that many of the best lawyers who ever graced the bar of the state were elected either to the supreme or circuit judgeships, while the constitution of 1847 was in force, that the exact result feared did not arise; but when the great number of resignations which occurred is considered, it seems likely that many able lawyers accepted office to acquire the position, standing and honor which resulted, and having acquired these, resigned the place because financially unable to retain it. Thus, in the tenth judicial district, which was created in 1848, at the next session of the legislature after the constitutional convention met, every judge elected for a full term, between the time of the organization of the circuit and the adoption of the new constitution in 1870, resigned without serving his full term. Among these so resigning were Charles B. Lawrence and William Kellogg. In other circuits and also upon the supreme bench, resignations were likewise very frequent; but since the constitution of 1870, fixing adequate salaries, was adopted, resignations, by either supreme or circuit judges, have been almost unknown.

In 1852 Mr. Wead was elected judge of the sixteenth circuit above referred to. He served in that capacity only until the summer of 1855, the new constitution providing for the election of judges throughout the state in June of that year. His service upon the bench was satisfactory to the bar, and also to the public of his circuit, but he was pecuniarily unable to bear the burden of holding the office for another term, and declined to be a candidate for re-election.

About the time his term of office expired, Judge Wead removed from Lewistown to Peoria, and resumed there the practice of his profession, in which he continued up to the time of his death, being engaged in many important cases. In the matter of contested land titles especially he acquired a wide reputation, and between the years 1855 and 1870 he had a large practice in the trial of ejectment cases at each term of the United States circuit court (then held in Chicago), in addition to his practice at the Peoria bar.

In 1860, prior to the breaking out of the Rebellion, Mr. Wead earnestly opposed the doctrine of secession and warmly supported the government in suppressing the Rebellion, although he continued his allegiance to the Democratic party until his death. Indeed, so strong was his attachment to Democratic principles that in 1872, when Greeley, whom he knew well personally, and with whom he kept up a friendly correspondence from 1840 until 1855, was a candidate for the presidency, he refused to support him, upon the ground that Greeley was instinctively, radically and unalterably opposed to the fundamental principles of the Democratic party; that his connection with that party, at that time, was but temporary, and upon questions which would soon cease to be political issues; that from his mental constitution and habits of thought it would inevitably follow, should he be elected to the presidency, he would separate from, and be at war with, the party which elected him, long before his term of office would expire.

In 1841 Judge Wead was married to Eliza Young Emery, a daughter of Samuel Emery, a Methodist clergyman, who, on account of ill health, had abandoned regular service as a minister of that church and settled at Trivoli, in

Peoria county, in 1837. By this marriage seven children were born, two of whom died in infancy, and one, Edgar E., at twenty-one years of age, while serving in the Union army during the war of the Rebellion. The other children are still living.

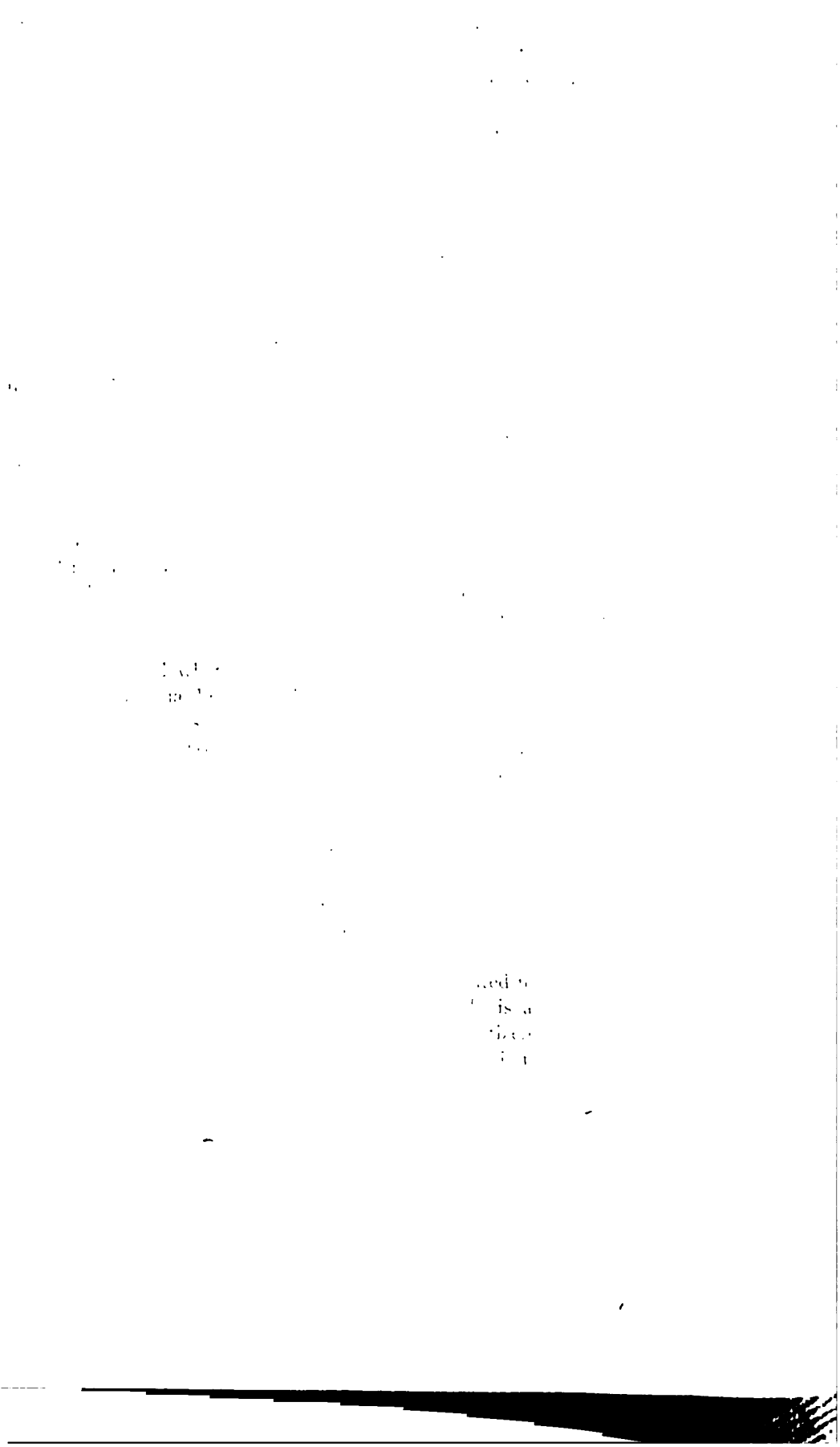
In 1861 Judge Wead removed from Peoria to a farm distant about four miles from that city, and there resided until his death, driving to and from his office in the city each day. He passed away May 10, 1876, after a most useful and honorable career. He left the impress of his sterling character upon many of our institutions. He was a man of marked individuality and independence of thought and action, and his sterling honesty and integrity won for him the respect and esteem of the highest and the humblest, the richest and the poorest of his native state. As a lawyer of high talent and ability, his standing was unquestioned for more than thirty years prior to his death. In public life the fearlessness and freedom with which he expressed his true sentiments; his unhesitating denunciation of chicanery, dishonesty, hypocrisy and meanness; his strong prejudices, and combativeness of character,—created for him many enemies, and deprived him of the full measure of success to which his abilities entitled him, and which, no doubt, had he possessed more suavity and tact, would have been his; but at all times he was honest in his beliefs, true to his opinions and loyal to his friends, and his name adds brightness to the pages of the history of Illinois.

William Jack, a well known attorney at law of Peoria, was born in Westmoreland county, Pennsylvania, on the 10th of July, 1843, and is a son of Joseph and H. J. (Herron) Jack, also natives of the Keystone state. He acquired his education at Sewickley Academy, in Mount Pleasant township, Westmoreland county, and when a young man in his seventeenth year came to Illinois. Locating in Peoria, he here continued his education in the high school and was graduated in the class of 1862. He had previously determined to make the practice of law his life work, and immediately after his graduation became a student in the office of Judge M. Williamson, with whom he remained for a year and a half. He then continued his studies with Judge H. M. Wead, and after his admission to the bar formed a partnership with his preceptor, a connection that was continued until January, 1874. In that year he entered into partnership with L. W. James under the firm name of James & Jack. He was appointed master in chancery for the circuit court of Peoria county, in September, 1873, and filled that position for several terms. He is an able lawyer of wide experience and pronounced ability, and enjoys a liberal clientage.

On the 5th of August, 1869, Mr. Jack was united in marriage to Miss Annie Grier, daughter of John C. Grier, of Peoria. He is a member of the Second Presbyterian church of Peoria, and is a valued citizen of the community who gives his support to all beneficial measures, and lends the influence of his opposition to all movements that are detrimental to the public good.

Oliver J. Bailey, one of the leading lawyers and prominent business men of Peoria, is a member of the firm of Bailey & Sedgwick, one of the oldest in years of continuous practice in Illinois. He was born in the town of Arcadia, Wayne







James Rufus Dack

James Rufus Dack

county, New York, September 6, 1846, and is a son of Morrison and Mary Bailey, who with their family removed to Will county, Illinois, in 1849. The father was a farmer by occupation and entered land from the government in the township afterward organized as Green Garden. There he carried on agricultural pursuits until 1852, when he removed to Waterloo, Blackhawk county, Iowa. In 1856 he was elected to the Iowa legislature from Blackhawk and Buchanan counties, and in many matters of public concern exerted a wide and beneficent influence. In July, 1862, he enlisted and was made quartermaster of the Thirty-second Iowa Infantry.

Oliver J. Bailey removed with his parents from the Empire state to Illinois and thence to Iowa, remaining at Waterloo until 1865, when he returned to this state. His educational privileges were only such as were afforded by the common schools, but he has always been a student, and extensive reading and a retentive memory have made him a man of broad general information. Soon after his return to Illinois he began the study of law in the office of General F. P. Partridge, of Sycamore, DeKalb county, and was admitted to the bar in October, 1868, at which time he opened an office in Sycamore, continuing in general practice there until 1872, when, with James H. Sedgwick, then in practice at Sandwich, DeKalb county, he removed to Chicago. The firm of Bailey & Sedgwick opened an office in the Metropolitan block, and for a short time after the Chicago fire enjoyed the distinction of having the only complete set of Illinois reports in the central part of the city. In 1875 Mr. Bailey was appointed attorney for the Aetna Life Insurance Company, with charge of the litigation growing out of municipal and other western investments of such company, and in that position he is still the active representative of the legal interests of the company.

The same year the law firm of Bailey & Sedgwick removed to Peoria, which has been its place of location since that time. In the same year Mr. Bailey also formed a partnership with B. L. T. Bourland, of this city, who had long been one of the loan agents of the Aetna Life Insurance Company for central Illinois. The agencies for Springfield and Peoria were consolidated and the general business of the two agencies was placed under the management of Bourland & Bailey and so remains. The subject of this review has always made a specialty of municipal and real-estate law, and during the years of his practice has represented many eastern corporations and investors in most important litigation, as the dockets of the federal courts of this and adjoining states will show. He was admitted to practice in the United States supreme court October 24, 1878, on the motion of Hon. Montgomery Blair. His knowledge of the law is very broad and accurate, and his forceful and logical presentation of his cause never fails to impress the court or jury and seldom fails to convince.

On the 4th of September, 1865, two days before he was nineteen years old, Mr. Bailey was married to Mary E. Needham. He has never been prominent in political circles, eschewing all such interests as would interfere with his professional duties. His services, however, are in much demand on public occasions, when his brilliant gifts of oratory and deep thought never fail to hold the close

attention of his auditors, no matter what the subject may be upon which he is addressing them. He is a man of the most inflexible integrity and fidelity to duty, and his thorough reliability is shown in the fact that he has so often been chosen guardian of public interests.

Recently he was made the executor of the will of Jacob Guyer, founder of the Guyer Home for Aged Women, and was also elected president of the board of trustees of the Bradley Polytechnic Institute. He is also president of the Cottage Hospital Association and the Young Men's Christian Association. His wise counsel and sagacity have proven important factors in the safe conduct of a number of important business enterprises and he is now president of the Title Guaranty, Abstract & Trust Company and the Central National Bank, and vice-president of the Dime Savings Bank,—all of Peoria. He is also president of the board of trustees of the village of North Peoria and a member of the board of school inspectors, and was tendered the first presidency of the board of park trustees, but declined on account of his connection with the real-estate business. He manages extensive farming interests, having about three thousand acres of land, which is under his immediate control.

A Peoria paper, writing of Mr. Bailey said: "His conservatism, excellent business ability, foresight and sound judgment peculiarly fit him for leadership, while his knowledge of parliamentary law and usages make him an ideal presiding officer. The greatest confidence is placed in him, and the experience of years has proven the man's sterling integrity and that no confidence entrusted to him was ever betrayed. He is above reproach and it is gratifying to his many friends to so honor him. He has never sought any of the honors conferred upon him, but they have come to him unsolicited,—because he is worthy of them."

William T. Irwin was born at the home of his ancestors in Dayton, Armstrong county, Pennsylvania, June 1, 1856. His great-grandfather valiantly fought for the independence of the colonies in the war of the Revolution, and when freedom was proclaimed and the republic was established he located in Cumberland county, Pennsylvania, whence he soon afterward removed to the western part of the state. He took up his residence on the farm which is now the home of Joseph T. Irwin, father of our subject, and in the same room in the ancestral home of the Irwins the grandfather, father and son,—the last being William T. Irwin,—were born. The grandfather was a Scotch-Irish Presbyterian, and his son, Joseph T. Irwin, has carried on agricultural pursuits as a life work. Strongly opposed to the institution of slavery, he was one of the leading abolitionists in western Pennsylvania, and when the civil war was inaugurated he raised a company for the service, and as its captain went to the front. His wife, Mrs. Mary J. Irwin, is of German descent, and they still reside at the old family homestead in the Keystone state.

In the common schools of Dayton William T. Irwin acquired his preliminary education, which was supplemented by a course in the Glade Run Academy, a very thorough-going Presbyterian institution, in which he was graduated in the class of 1878. With a taste for higher education and literature,

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Mr. Irwin has embraced every opportunity for advancement in those lines, now accorded recognition for his scholarly attainments and classical learning. During the months of vacation he worked on his father's farm, and after completing his common-school course, although only fifteen years of age, secured a teacher's certificate with the intention of teaching school. His father, however, thinking he was too young, would not consent to his accepting a school the following year, when he entered upon a successful career as an educator, terminated by his service as principal of the Dayton graded schools, in which he acquired his preliminary training.

He came to Illinois in the spring of 1879 and entered the law office of Judge Alfred Sample, then of Paxton but now of Bloomington. There he performed clerical service while prosecuting his studies, and in May, 1881, was admitted to the bar at Springfield; and in the autumn of that year opened an office in Peoria, where he has remained continuously since. He at once formed a partnership with Judge J. W. Cochran, at one time judge of the circuit court of the Peoria district, a connection that was maintained until the removal of Judge Cochran to Fargo, North Dakota. Mr. Irwin was then alone in practice until 1896, when he was joined by W. I. Slemmons in a partnership that still continues. In later years Mr. Irwin's services have been more in demand in the field of corporation law. In the spring of 1891, entirely without his solicitation, he was made the Republican nominee for the office of city attorney, and overcame a usual Democratic majority of from five to seven thousand, winning the election by eight hundred votes. After a two-years service he was again elected by a majority of fifteen hundred. For four years he discharged the duties of that office and then retired to private life. Mr. Irwin has never been an office-seeker, and with the exception just noted has never held office, yet at all times he is a stalwart supporter of the Republican party and an earnest champion of its measures. He has aided in many municipal enterprises, was instrumental in the organization of the park system of the city and has supported many other movements for the public good. Socially he is a prominent Mason. He became a member of Illinois Lodge, No. 263, A. F. & A. M., of Peoria, in 1887; Peoria Chapter, No. 7, R. A. M., in 1889; Peoria Commandery, No. 3, K. T., in 1890, and attained the thirty-second degree of the Scottish Rite in Peoria Consistory in 1893. He also belongs to the Knights of Pythias fraternity, having joined Peoria Lodge, in 1892, and Knights of Constantine of the Order of the Red Cross, in 1894. He has been three times successively elected illustrious sovereign of St. Helena Temple, No. 3, of Peoria, and now holds the office of grand vicero of the grand council of Illinois.

On the 1st of June, 1886, Mr. Irwin married Miss Ida M. Woodruff, of Peoria, daughter of Nelson Woodruff, one of the early inhabitants of the city and a pioneer dealer in ice here. An ice company of the city, doing an extensive business, still bears his name. Mr. and Mrs. Irwin have a son, Joseph Woodruff, born September 19, 1889. They are prominent and active members of Grace Presbyterian church, of which Mr. Irwin has served as a member of the board of trustees for ten years.

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John A. Stevens, Esq.

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those fundamental principles of right which ought to govern in all the affairs of men. Having laid his foundations deep, he has, by the constant application of these great principles, been able to practice his profession with such a degree of success as to have merited and gained the confidence of all who have known him.

As a citizen he is highly esteemed, and his kindly impulses and cordiality of manner have rendered him exceedingly popular among all classes.

Winslow Evans.—Peoria's leading lawyers rank in worth and ability with the best legal practitioners of the commonwealth, and the subject of this review is numbered among the successful practitioners of that city. His entire life has been passed in Illinois, his birth having occurred in Marshall county, on the 19th of December, 1855. The Evans family is of Welsh descent and was founded in America by representatives of the name who left their little rock-ribbed native land and crossed the Atlantic to Philadelphia. The grandfather of our subject, Joshua Evans, was born in Loudoun county, Virginia, and during his boyhood accompanied his mother to central Ohio. When the war of 1812 was inaugurated he enlisted in an Ohio regiment, which was attached to Hull's command at the time of the surrender of Detroit. Two companies, however, were at the time out on a scouting expedition, and learning of the surrender before they reached the fort they refused to go in and returned to central Ohio, maintaining a running fight with Indians through the northern woods of that state. To one of these companies Joshua Evans belonged. In 1830 he emigrated to Marshall county, Illinois, becoming one of its pioneer settlers. The father of our subject, Albert Evans, was only three years of age at the time of the removal of his parents to this state. Having arrived at years of maturity he married Harriet Springer, who was of Swedish descent, the original American ancestry locating in Wilmington, Delaware. Mr. Evans was a farmer and also followed carpentering and building.

Upon the family homestead in Marshall county Winslow Evans spent the days of his boyhood and youth, his early education being acquired in the public schools of Wenona. Later he continued his studies in the Illinois Wesleyan University, in Bloomington, and was graduated in both the literary and law departments in 1876, winning the degrees of Bachelor of Arts and Bachelor of Law. Subsequently he pursued a post-graduate course of study in the same institution and on examination and thesis won the degrees of Master of Arts and Doctor of Philosophy. While pursuing his law studies in the university he also read law in the office of ex-Governor Fifer and I. N. Phillips, court reporter, to whom he attributes much of his success.

Mr. Evans began practice in Marshall county in 1880. He resided in Lacon and traveled the circuit, engaging in general practice, his clientage constantly increasing. In 1886 he was elected county judge for a four-years term and upon the bench won the respect of the entire county bar by reason of his accurate understanding and interpretation of the law and his freedom from judicial bias. Since his removal to Peoria in 1891 his practice has been more along special lines, such as insurance, real-estate and corporation litigation, but

he is well versed in all departments of jurisprudence. He is now enjoying a profitable clientage and a well deserved reputation as a leading member of the Peoria bar.

Mr. Evans was married in Kewanee, Illinois, October 28, 1883, to Miss Eva McCullough, who on her father's side was of Scotch descent, and on her mother's of Pennsylvania Dutch. Both her parents came from Franklin county, Pennsylvania, to this state. Mr. and Mrs. Evans have a son, Donald W., born April 12, 1887.

In his political views Mr. Evans has always been an earnest and loyal Republican. From 1881 until 1885 he served as a member of the board of supervisors of Marshall county, and, as before stated, was on the bench for four years. In 1890 he was the Republican candidate for circuit judge, but the district being Democratic he shared the fate of the others on the ticket and was defeated. In each campaign he advocated the party principles from the lecture platform, and his addresses are entertaining, logical and convincing. He has also served as delegate to the state and other conventions of his party, but his time is principally given to his profession, in which he has made continued and marked progress.

CHAPTER XVII.

REFORMS IN THE CRIMINAL LAW.

THE reforms in criminal procedure and the administration of criminal justice have kept pace with improvements in the methods of civil procedure. Within the course of my professional experience I have witnessed paroxysms of local popular feeling against crimes and against persons supposed to be criminals. In some cases mobs have attempted to administer rude justice upon offenders and (copying from my own memoirs) I said in my message to the legislature of 1871:

"Amongst the exceptions to the general enforcement of the laws of the state are several instances of outrages committed by mobs. On the 21st day of February, 1870, one Harrison Reed, who was charged with murder, committed in Madison county, was taken from the custody of an officer who was conveying him to jail, and killed. On the 20th day of April, 1870, one Hank Leonard was forcibly taken from the jail of Marion county and put to death under circumstances of peculiar atrocity. On the 16th day of April, 1870, one Joseph C. Ramsey, while in the custody of an officer of Putnam county who was conveying him to the county jail, was seized by a mob and hanged.

"These cases were officially reported to me, and other instances of lawless violence have occurred in the state in regard to which I have no official information. It will be observed by an examination of the reports made to me of the circumstances that attended the killing of the persons above named that they were at the time helpless prisoners, without any means at hand for self-defense, and if the officers who had them in charge attempted to defend them it was done in a manner that reflects no great degree of credit upon their firmness or sense of duty.

"The case of Reed is especially humiliating. He had escaped from the state and was arrested under the order of the governor of Missouri, in consequence of a requisition made by me, and was murdered while in the custody of an officer of this state, who could not or would not protect him. When the facts were fully investigated by me I offered a reward of one thousand dollars for the apprehension and conviction of the offenders in each of these cases, but no arrests have been reported to me. The papers that relate to them will be transmitted to the general assembly. The frequent recurrence of crimes committed by mobs, and the fact that instances of the punishment of the offenders are rare, suggest the inquiry whether some legislation is not necessary for their repression. The governor is charged by the constitution with the obligation 'to take care that the laws are faithfully executed,' and yet, although he may be satisfied that, in this class of cases and others, officers neglect or refuse to

discharge their duties, or that state's attorneys are incompetent or refuse to take the necessary steps to punish offenders, he can neither remove nor suspend them, nor bring them to trial before the judicial tribunals. It is for the general assembly to determine whether it is proper to give to the executive department any additional powers, to be employed for the enforcement of the criminal laws. In the cases mentioned my powers are exhausted, and the violators of the laws are unpunished."

Again, in my message of January 8, 1873, I called attention to the same subject, and said: "In my message to the general assembly of January 4, 1871, I had occasion to specify a number of cases of violence by mobs, and I regret to be compelled to say that since that time other, though fewer, outrages of a similar character have occurred in different points in the state. In some of the cases that have been reported to me the acts of the mob were done openly and publicly, and in one case a band of armed and disguised men assassinated a peaceful citizen at his home. In each of these cases reported I offered a reward of one thousand dollars for the apprehension and conviction of the guilty parties.

"Perhaps we are not permitted to hope that the state will be entirely exempt from outbursts of popular passion that will override reason and justice and law; nor can it be expected that designing or malignant men will not be found who will be able to avail themselves of some pretext for organizing and directing the passions of mobs, or who will seize upon occasions of passing frenzy of the public mind and precipitate the commission of crime, but from evidence afforded me I am persuaded that the people in all parts of the state are impressed with the conviction, supported by the experience of some localities, that mobs demoralize and deprave the public conscience and promote the commission of crimes. We may therefore hope that examples of mob outrage will hereafter be rare in the history of the state."

After the ever memorable Chicago fire, which occurred in October, 1871, and which was followed by numerous reports of outrages and crimes, there was a demand for a more vindictive enforcement of the laws. Public meetings were held; the newspaper press and religious bodies alike demanded the more vigorous enforcement of the law. The popular mind was filled with apprehension as to the prevalence and increase of crime, so that the then governor felt constrained to call the attention of the general assembly to the subject. In his annual message of 1873 he said:

"From the language of the newspaper press and the reported expressions of citizens in public meetings the people of the state have been led to apprehend that crime and disorder have increased in the city of Chicago and other large cities of the state. After having given much attention to the facts of the more aggravated offenses reported to have been perpetrated in Chicago, as well as to the general condition of the city, I am satisfied that many of the reports that have influenced the public belief are exaggerated, and that, considering the extraordinary circumstance of the almost total destruction of the city within a little more than a year past and the great influx of population from every quarter,

the laws are enforced and order is as well maintained in Chicago as in other great cities of the country.

"It is true that some startling examples of fraud in commercial circles have occurred in Chicago that are in their influence more disastrous to the morals of the business, and the character of the people of the state than is the aggregate effect of many minor offenses, and the parties implicated in them are still unpunished, and much opposition has been made to the enforcement of the laws relating to the sale of intoxicating liquors and to keeping open public-drinking establishments on the Sabbath; but the commercial frauds seem to be but characteristic of the period, and the controversies in respect to the liquor and Sunday laws can produce no mischief while confined to the use of legal means for the maintenance of real or supposed rights, or for influencing public opinion. The extensive acceptance of the belief that crimes, especially those of a homicidal character, have increased in frequency has led to the suggestion of many changes in the law, with a view to a remedy. The changes most frequently insisted upon may be stated: First. The abolition of the grand-jury system and the substitution, for an indictment, of an accusation to be preferred by the law officers of the state. Second. To take from the parties charged with crimes the right to a change of venue. Third. To disallow challenges to persons upon the ground of an opinion formed upon information obtained from printed publications, or, as some propose, without regard to the source from which information is acquired, if the proposed juror will swear that, notwithstanding any opinion he may entertain, he can try the case impartially. Fourth. To establish additional restrictions upon the right of the accused persons to demand continuances. Fifth. To make death the penalty for murder; and, Sixth. To abolish or greatly restrict the executive authority to grant pardons, and to wholly take from that department the power to commute the death penalty to imprisonment for life of the person convicted, or for any other term.

"To those who have such confidence in mere legislation that they assume that every abuse may be corrected and every evil repressed by laws, and to that other class, who are ignorant of the origin, history and reason of the institutions and rules and methods of procedure proposed to be abrogated or changed, and who welcome every change in the existing laws as an improvement, all the alterations proposed will be acceptable; but others will remember that the grand jury is one of the 'institutions' of our free-spirited fathers, and most of the formal and carefully guarded rules of criminal procedure that are now the subject of complaint, were devised to protect the lives and liberties of the people against the aggressions and encroachments of power, and others, like that of confiding the measure of punishment upon convictions for murder to the jury, are the results of observations of men of the most profound knowledge and the largest experience in the administration of criminal laws. They are parts of a judicious and well settled system,—not perfect, but one that combines greater advantages for the prompt administration of justice, with the proper guards for the safety of the rights of the citizen, than any that exists in any other country or under any other form of government.

"In view of the necessity that has always been admitted to exist for careful regulation for the protection of individuals, it is painful to witness the mistaken zeal that prompts a portion of the public press and influential public bodies to urge fundamental changes, simply that citizens may be more defenseless when pursued by the authorities of the law upon accusations of crime.

"Every change in the criminal laws that deprives parties accused of a means for obtaining impartial trial, or that proposes to substitute the discretion of a judge or a state's attorney for fixed and well defined rules of law or settled modes of procedure, is a sacrifice of the safety of the citizen. Happily, except on occasions when the public mind is excited by appeals to popular fears or prejudices, the passions of the American people are not cruel, but who is prepared to say that when a citizen may be put upon his trial upon a charge that involves his life, in the midst of a community that is filled with prejudice against him, without the power to demand of right the removal of his trial to an impartial vicinage, with no right of continuance, to await a better state of public sentiment or to obtain evidence, no challenge to his triers upon the ground of opinions formed against him, death, the inevitable consequence of conviction, and the governor without power, even upon the clearest facts, to arrest the bloody sentence, the vindictive prejudices of some community may not demand a victim and that then a state's attorney may not be found who will not consent to accuse, and that the judge, upon whose discretion the rights of the citizen depends, may not yield to public clamor, and consent to the sacrifice?

"The institution of grand and petit juries is an essential part of the judicial system of a free state. Theorists, who can demonstrate that the rule of a single wise man is better than that of the multitude, and law reformers, who would substitute the discretion of a state's attorney or a judge for the deliberations of a grand jury or fixed rules of procedure, alike forget that no method of election has yet been devised that will insure the choice of the wisest for rulers or state's attorneys or judges; nor do they attach enough importance to the fact that in a republic no system of laws can be devised that will, without endangering the public liberties, be effective for the prevention and punishment of crimes, unless the laws themselves provide for the participation of the people in their administration; and that neither public nor private rights can be secured when they are in any important sense subject to the discretion of any ruler or magistrate.

"It seems to me, then, that while the attention of the general assembly should be directed to the present state of the criminal laws and the law of criminal procedure, with a view to their improvement, nothing should be done to enlarge the discretion of courts in criminal cases, nor to delude the people with the belief that any change that can be made will relieve them from the necessity of giving their own attention to the proper execution of the laws.

"It is at once the vice and weakness of wealthy and prosperous communities that a majority of those who should be the most capable and useful citizens prefer, from purely selfish reasons, to delegate the discharge of their most important public duties to others; and experience has demonstrated that

whether the mercenaries who undertake the protection of public interests or who are, by the indifference of the people, allowed to seize control of public affairs, are the hired soldiers of the standing army or the traders in offices who cajole, neglect and plunder the people, or those who make jury duty a trade,—the result is the same; the degradation of the laws, contempt for public justice and, in the end, the destruction of all the securities for the safety of life, liberty and property.

"I do not feel at liberty to consume much space in the discussion of the change in the law, insisted upon by many, to take from the jury on trials for murder the right to determine whether the party found guilty shall suffer death or be punished by confinement in the penitentiary for any term exceeding fourteen years and that may extend to the whole of his life, and thus make the judgment of death the absolute legal consequence of a conviction for murder. I have no doubt of the right of the state to put to death persons who by their own deliberate criminal acts make that course necessary for the public safety, nor do I question the existence of the right to inflict the death penalty as a punishment for crime; but I am quite as decided in the conviction that that mode of punishment has but little influence to deter from the commission of crime, and that, on the other hand, it is a worn-out vestige of barbarism that hardens and depraves the people.

"Deliberate homicide by public authority has much greater influence to weaken respect for human life than the commission of murder by lawless persons, and it is remarkable that the ecclesiastical bodies and that portion of the so-called religious and secular press that demand the more frequent infliction of death by judicial sentence, concede the whole point in dispute when, impressed with the horrible and depraving influence of public executions, they insist upon the necessity of excluding those from the spectacle who are to be instructed and impressed by the example. It may be true that there are classes of persons who can only be restrained from the commission of crimes by the fear of death. There may be communities in which the example of the infliction of the death penalty would be productive of benefit, and it may also be true that monsters of crime may sometimes be found whose extermination is demanded, not to vindicate the authority of law, but the dignity of human nature. It would not, therefore, be judicious for the state to renounce the power to inflict death, but the propriety of the exercise of the power in any instance can best be determined by a jury drawn from the body of the people.

"It may be proper for me to make some allusion to the probable influence of the pardoning power by the governor upon the administration of the criminal laws. The executive authority to grant pardons, reprieves and commutations is, under the constitution, absolute, and to be exercised by him at his discretion and, like all discretionary powers confided to public officers, is extremely liable to abuse. I have exercised the pardoning power, in proportion to the whole number of convictions in the state, more sparingly than any of my predecessors, and I am satisfied that I have not done so in improper cases; but I have had the satisfaction of releasing persons from the penitentiary after

they had furnished me the most unquestionable proof of their innocence of the alleged crimes of which the jury had found them guilty. I have, by pardon, shortened terms of imprisonment that were certified to me by the judges and juries imposing them to have been excessive; and I have in more than one instance interfered for the relief of the poor and ignorant who were the victims of designing persons.

"We know that the blindness of legal justice is but a fable, and that though the laws in their letter and spirit are just and humane and equal, as a practical fact the wealthy and influential do disregard and violate them with a measure of impunity not permitted to the poor and friendless. We know, too, that the jails, into which are crowded those who are accused of the commission of crimes and are unable to furnish bail, are moral pest-houses, where vice is taught to the innocent, and the guilty are made more depraved. We know that instances are not wanting in which jailers, or their subordinates, alone or in conjunction with some of a class of professional men who dishonor the law and disgrace the courts that tolerate their presence, have deprived friendless prisoners of all they possess, and have then delivered them over to a certain conviction, their sentences of imprisonment aggravated and lengthened by the vile character of their counsel, who first robbed and then betrayed them.

"I have pardoned some of this class of unfortunates upon the ground that if the state cannot protect them, it ought to make them the reparation of forgiveness. No subject is more worthy of the attention of the representatives of an enlightened Christian people than the imperfect provision made for the protection of the rights of the poor, the ignorant, the inexperienced and the friendless in the criminal courts. The evil is most apparent in the cities and populous counties of the state. Every year the population of the state is increased by emigrants from all the nations of Europe and from every state of the Union, those who are of every grade of character and every degree of intelligence. Of the thousands who come into the state many are ignorant of our language and our laws, and many are, upon their arrival, poor and often ill, dispirited and inexperienced. In the cities the missionaries of vice are ever active and its temples are always open, and from their doors none are driven away. To these the inexperienced and unwary are often tempted to resort or, from want of employment, the irresolute are impelled to the commission of crime, or often they are made the dupes and instruments of those with whom crime is a trade, or, being strangers and friendless, they are readily suspected, and when arrested they are unable to find bail and are committed to jail, and if indicted the judge, however humane and considerate, is compelled to entrust their defense to some lawyer without standing or experience in his profession, and a conviction follows, for there is no one to demand justice, or implore mercy. It is time that the practice of delivering the living bodies of poor prisoners to legal students for professional instruction was abandoned, and I insist that provision should be made for the election or appointment, in large cities and populous counties of the state, of suitable persons whose duty it should be to visit the places where persons are confined on crim-

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inal charges, confer with and advise poor prisoners, protect them from oppressions and extortions, attend examinations, investigate the charges against them, advise with injured parties and the court and state's attorney in view to the dismissal of prosecutions when the ends of justice require and the course be promoted; or with reference to the proper measure of punishment in cases where the punishment is discretionary with the judge; or in cases, alone or in conjunction with the counsel assigned by the court, to aid in their defense.

"A proposition to provide for the appointment of an officer to superintend the administration of the laws from the standpoint of those who are victims of crimes is novel, but every one familiar with the administration of the laws of the state is fully aware of the fact that a truthful statement of the wrongs inflicted upon persons charged with offenses would prove that crimes have been committed in the name of the law."

Notwithstanding occasional aberrations of public sentiment there has been a steady improvement in the administration of criminal justice. The most striking of these is found in paragraph 486 of the criminal code which provides that "No person shall be disqualified as a witness in any case or proceeding, by reason of his interest in the event of the same, as a party, or otherwise, or by reason of his having been convicted of any crime, unless his interest or conviction may be shown for the purpose of affecting the credibility; provided, however, that a defendant in any criminal case or proceeding shall only at his own request be deemed to be a competent witness, and his neglect to testify shall not create any presumption against him, nor shall the court permit any reference or comment to be made to or upon such neglect."

A similar act of the congress of the United States, which omits any prohibition forbidding comments upon the failure of defendants to testify against themselves, under the peril of unfavorable comments in case they decline to do so, is unconstitutional.

There is still another statute that presents the improved humane treatment of prisoners with respect to crimes and the punishment therefor. It is an act relating to the sentence of prisoners convicted of crime, and establishing a system of parole, approved June 15, 1845." It provides that "Every person over the age of twenty-one years who shall be convicted of a felony crime punishable by imprisonment in the penitentiary, excepting treason, murder, manslaughter and rape, shall be sentenced to the penitentiary and the court imposing such sentence shall not fix the limit or duration of the term of imprisonment, and the term of imprisonment of any person so convicted shall not exceed the maximum term provided by law for the crime for which the person is convicted and sentenced, making allowance for good time as now provided by law,—the release of such a prisoner to be determined as hereinafter provided: Provided that from and after July 1, 1897, the state board of pardons, if then created, shall, ex-officio, have the powers and perform the duties now devolved upon the commissioners of the penitentiary by the act to which this act is an amendment. * * * The provisions of this act shall not apply to any person who shall have been sentenced to the penitentiary prior to the date of the passage of this act."

far as they concern his parole, to any person over twenty-one years of age convicted and sentenced to a penitentiary in this state, who may be shown on his trial to have been previously sentenced to a penitentiary in this state or country, but such person shall be held and considered to be an habitual criminal, and shall be required to serve the maximum sentence provided by law for the crime of which he was convicted, less the good time which he may earn by good conduct, as now provided by law."

This policy must be regarded still as experimental, but it is hoped by the benevolent that it will afford an opportunity to many persons to return to their families and friends, and thereafter lead honest, and peaceable lives.

CHAPTER XVIII.

THE BENCH AND BAR OF MORGAN COUNTY--NOTABLE CASES.

BY HON. CYRUS EPLER.

THE county of Morgan was created by an act of the legislature of the date of January 31, A. D. 1823. The county was attached to the first judicial circuit, of which the Hon. John Reynolds was then judge.

The county commissioners located the temporary county-seat at Olmstead's Mound, near Swinnerton's Point, now called Allison's Mound, situated about six miles west of the city of Jacksonville. The first term of the circuit court of the county was held at this place, in the fall of the year 1823. The officers of the court were: John Reynolds, presiding judge; Wiley B. Green, sheriff; Milton Ladd, clerk; and James Turney, attorney general. The attorneys present at that term were Murray McConnel, of Morgan county; James Turney and Alfred W. Cavarly, of Carrollton; Benjamin Mills, of Vandalia; and Jonathan Pugh and William S. Hamilton, of Springfield.

General Murray McConnel has given us the traditional account of this term of court. The temple of justice, in which the court was held, was a round-log cabin, about sixteen feet square, with a lean-up against one side of the main building, and was the family residence of Mr. Olmstead. The Olmstead family vacated the house to the use of the court, and took up their abode in camp in front of the house, and furnished meals for the judge, officers and court attendants and attorneys on a table set between the house and the camp, and the guests slept on beds laid on the floor of the court-room.

The grand jury was organized, and occupied the shade of a neighboring tree, as a jury room. The petit-jury box consisted of split logs set up on legs, forming benches; and when they took a case for the consideration of their verdict, they were taken by the constable out into the grove. Sometimes the parties to the suit, and the witnesses, participated in their deliberations. On one occasion all hands—parties to the suit, witnesses and jurors—got into a rough-and-tumble fight, to quell which the sheriff and the judge repaired to the jury room (the shade of the trees) which was the field of battle. But the court did not undertake to punish the offenders, for the reason that there was no prison within eighty miles; and an attempt to punish them by fine would have been useless, for the reason that not one of them had any money or property, except his gun, and that was exempt from execution. The General informed us that at this term of court a newly made justice of the peace visited the judge in the court-room, saying to him: "Judge, I am the 'squire in these parts, and some of those fellers says I can't divorce married people; and will you tell

me the law on this pint?" The judge informed him that justices had no jurisdiction to divorce husband and wife, to which the 'Squire said in reply, "Judge, you must be mistaken on that pint of law, for I did it only a few days ago and they are not living together any more." The judge said to him, "Well, may be I am wrong and you are right, but you had better advise with some of these gentlemen attorneys about the matter." "That 'pears more as likely," said the 'Squire.

In January, 1825, the legislature appointed John Howard, Abraham Pickett and John Lusk commissioners to locate a permanent seat of justice for the county, and in the spring of that year they located it on a quarter section of government land, on which the central part of the city of Jacksonville is now situated. Thomas Arnett, Isaac Dial and Jackey Anderson, then three enterprising residents of the county, learning of the location of the county-seat on this quarter section, at once entered the same, and in connection with the commissioners laid out the town of Jacksonville. In the year 1826 the first court-house was erected on the public square in said town. It was a one-story frame building, set on blocks sawed from the trunk of a tree. The cost of the building was four hundred and sixty dollars.

We have been informed by Judge William Thomas (now deceased) that he moved from Kentucky and settled in Jacksonville in the year 1826, and that in the fall of that year the circuit court was first held in that court-house, the Hon. John York Sawyer being presiding judge. At that term there were about forty cases pending on the docket. The attorneys present were: James Turney, attorney general of the state; Alfred W. Cavarly, of Carrollton; Murray McConnel, John Turney, Benjamin Cox and William Thomas, of Jacksonville; Thomas Neely, Isaac Steele and Jonathan H. Pugh, of Springfield; John Reynolds and William H. Brown, Benjamin Mills and George Forquher, of Vandalia.

The first court-house burned down in the year 1827, and all the court and county records were lost. In the year 1829-30 another court-house was built on or near the center of the public square. This building was of the typical southern style, so common in southern and central Illinois, was built of brick, two stories high, fifty by forty feet on the ground. The county offices were on the lower floor, court-room and jury-rooms on the upper floor; and the belfry was topped off with rod, metal globe and weather-cock. For forty years this building was the home of the courts of this county; the political forum for all parties; the meeting place for political conventions, town deliberations and wrangles, and sometimes for religious worship. The judges who presided over the circuit court in this building were: Hons. John Reynolds, John York Sawyer, Samuel D. Lockwood, Stephen T. Logan, Jesse B. Thomas, Thomas Ford, Stephen A. Douglas, William Thomas, David M. Woodson and Charles D. Hodges, and perhaps some others, all of whom have long since passed away.

About all the resident members of the Morgan county bar from the organization of the county to the year 1850 were: Murray McConnel, John

Turney, J. Quimby, Benjamin Cox, William Thomas, Walter Jones, David Evans, John W. Evans, P. M. Irwin, S. G. Anderson, A. S. Manning, T. J. Dumus, C. J. Drake, Charles Jones, John J. Hardin, Stephen A. Douglas, A. H. Buckner, Josiah Lamborn, Myron Leslie, Henry E. Dummer, James Berdan, N. M. Knapp, Henry B. McClure, William Brown, Richard Yates, Robert Crawford, David A. Smith, Henry Dusenbery, Josephus Hewitt, James A. McDougal, Benjamin Orear, Ottawa Wilkinson, John L. McConnel and John McConnel—all long since deceased. Of the above named attorneys Stephen A. Douglas, John J. Hardin, James A. McDougal and Richard Yates managed their first cases in a court of record in the old brick court-house, and subsequently all rose to political eminence and national reputation.

Subsequent to the year 1850 James W. English, William Strong, Cincinnati M. Morrison, Henry J. Atkins, Barbour Lewis, Henry Case, Edward L. McDonald, Oscar A. De Leuw, Thomas W. Smith, James H. Kellogg, Harrison O. Cassell, John W. Meacham, William Gallaher, William English, Myron L. Epler, James N. Brown, Harry Stewart, Wilber Goheen, E. C. Brearly, and William McWilliams were resident members of the Jacksonville bar,—all of whom now sleep in the silent city of death. Most of them died in their young manhood,—seemingly to us, too young. Some of them were of marked legal ability and had attained eminence at the bar; and others, younger, gave great promise. It is hoped that some one in the future will more fully write of their places at the Jacksonville bar.

Murray McConnel was a native of the state of New York, and left his parental home while a minor, of the age of sixteen years, and alone pushed out to the far west "to grow up with the country" and to forge his own fortune. He "settled" in this country before Morgan county was organized, about the year 1820. He was the first, or one of the first, members of the bar of the county, and continued the practice of his profession here till the day of his death, in the year 1869. By nature he was a strong, self-reliant and self-asserting man, of a rugged, clear legal mind, unpolished by the luster of early literary education and legal training. As a lawyer he was self-made and able, ever ready to meet his opponents in legal conflict. For forty-five years he ranked with the ablest members of the bar of the county.

Judge William Thomas moved to Jacksonville from the state of Kentucky, and entered upon the practice of his legal profession at this bar in the year 1826. He was, or became, learned in all branches of the civil law and practice, and especially on the equity side. He stood with the lawyers as the Lord Readsdale of the bar; carried his court papers in the old-style green-baize bag, and ever wrote with the goose quill. He was well equipped by nature and his learning for the chancellorship. He was a mover and colaborer in all deserving public improvements and interests. He died in the city of Jacksonville in the year of 1889.

Josiah Lamborn moved to and became a member of the bar of Jacksonville about the year 1835, from the state of Kentucky. He was the most noted criminal lawyer of his day at that bar; was a very forcible advocate, rich in

resources, a lawyer by nature, not by learning, and a legal genius. His general success as a lawyer was not so marked as it might have been. He was a little convivial in his nature, as were some of his associates, and to keep within proper bounds they formed themselves into a private temperance club, one of the rules of which was to meet once a week and give their experience and tell the truth. Time after time Lamborn confessed to a violation of the abstinence pledge. Finally one of the brothers undertook to discipline him, by admonishing him that he could quit if he would, to which he replied, "I am aware of that, but the devil of it is, I can't would." He was a large man, over six feet high, and was a fine-looking man, but had a deformed foot and carried a large, heavy cane. Once interrogated why he carried so large a cane, he said in reply, "I carry it as a peace-maker; don't you know that if you will raise your cane and crowd your antagonist, nine times out of ten he will run?" "But," said his friend, "how about the tenth time?" "Oh, well," he said, "you must not be so d—d a fool as not to then run yourself." He died in the year 1847 and was buried in the cemetery at Whitehall.

Of the earliest members of the Jacksonville bar, Judge William Brown was one marked for his ability and legal learning. A native of Kentucky, about the year of 1835 he moved to Jacksonville, and became a member of the Jacksonville bar. Being well versed in the science of the law, and of quick legal perception and marked for his courtly etiquette, he was one of the most distinguished jurists and successful practitioners at the bar. His business life was somewhat divided between his legal practice and other lines of private business and public interests, and he was successful in all. He departed this life, in the city of Jacksonville, in the year 1871.

John J. Hardin, Stephen A. Douglas, Richard Yates and James A. McDougal, all of national renown, were early members of the Jacksonville bar. All were able and prominent lawyers in their day of practice. But, buoyed up by an honorable ambition for broader fields of action, they left their legal practice at an early day of life and engaged themselves in state and national affairs.

James Berdan, one of the early members of the Jacksonville bar, was a native of New York, and prepared himself for his profession in the city of New York, under the old rule of many years study before admission to the bar, and was very thoroughly read in the law before he came to this town,—which was in the year 1834,—where he entered upon the practice of his profession. He was a gentleman of culture and literary and artistic taste, and was an accomplished lawyer, especially in equity pleadings and practice. He was a model draftsman of legal documents and court papers, and his writing was like copperplate. He was a little too modest for the rough-and-tumble ways of trials of issues before a jury. He died in Jacksonville in the year of 1883.

Henry E. Dummer was a native of Maine, and immigrated to the town of Jacksonville and became a member of its bar about the year 1835, but soon thereafter removed to Springfield, and after a short residence there removed to Beardstown, where he practiced his profession with marked success till about

the year 1864, when he returned to Jacksonville and renewed his relations with that bar, and so continued till his death. He was a master of the legal science in all its lines and departments, and most skilled and adroit in its practice. No opponent could hide himself behind any legal fallacies that the "Judge" would not discover, and generally to his opponent's discomfiture. By nature and his broad learning he was a thoroughly equipped lawyer of the highest order. He was one of the few attorneys of the bar to whom most of the others looked for advice and assistance, and this aid was certainly and cordially given. He was judge of the county court of Cass county for several terms. While residing in the city of Jacksonville, on account of declining health, he visited northern Lake Michigan, in the year of 1878, and there died.

Henry B. McClure immigrated to Jacksonville from the state of Vermont in the year 1835 and at once entered upon the practice of the law. That was his business and nothing else. He was a very able jurist and thorough lawyer. He was noted for being the most laborious and painstaking member of the bar in the preparation and management of his cases. He would subject his client to the strictest examination and cross-examination as to the facts of his case, would then take time to thoroughly examine the law bearing on the case, and then, and not till then, would he prepare his legal papers. If an opposing counsel left a weak point in his case exposed he might expect McClure to find it. As his cases progressed he kept himself posted as to every step taken, from the summons to the final order and execution, and to the receipt of satisfaction. In the year 1881, on his way to the city of Lansing, in the state of Michigan, going hurriedly from his hotel in Chicago to the Michigan Central depot, he reached a seat in the coach, laid down his overcoat and satchel, put on his glasses, opened his morning paper, and in one minute was dead.

David A. Smith was a native of the state of Virginia, and immigrated to the state of Alabama, where he entered upon the practice of his profession at an early age of life. Subsequently he moved to Carlinville, Illinois, and after some years' practice there, moved to Jacksonville and became a member of its bar in the year 1840. His motto was, "thorough work and thorough pay." He was a learned jurist, an able lawyer, especially in all the branches of civil law and practice, and particularly on the equity side; but would rarely take a criminal case. He diagnosed his cases quickly and almost always correctly, but if erroneously, which was difficult for him to see, he generally followed his first impressions to the end. An erasure or interlineation was rarely seen in his legal papers. He was able to do more work, and do it well, than any other member of the bar in the same length of time, and he was a very successful and financially prosperous practitioner. He died in the state of Minnesota in the year 1865, while on a tour of recreation and health.

Captain John L. McConnel, son of General Murray McConnel, was born and educated in the city of Jacksonville, and became a member of its bar about the year of 1847, after his return from the Mexican war. Nature favored him with more than ordinary intellectual gifts. He was a shrewd lawyer and

strong advocate. He was possessed of marked literary ability and taste, and was the author of several literary productions of fiction, of very considerable merit, which are entitled as follows: Talbot and Vernon, Graham, or Youth and Manhood, The Glenss, and Western Character. He died in Jacksonville in the year 1862.

SOME NOTABLE CASES.

The first indictment for murder in Morgan county was found in the year of 1839, against John A. Hall, charging him with the murder of Robert Denny. Hall was a tailor and Denny went into Hall's shop, where he was at work on the bench. The parties quarreled, and Hall being assaulted, or threatened with an assault, by Denny, threw his tailor shears at and into Denny and killed him. Hall was tried and acquitted. Judge William Thomas was the judge then presiding, William Brown was the state's attorney, and Josiah Lamborn was defendant's attorney.

The only man sentenced to be hanged in Morgan county was George Gardner, who was indicted in Scott county in the year 1841, charged with the murder of Phillip W. Nash, at Exeter, by shooting him with a shotgun. The trial was brought to Morgan county on a change of venue. Gardner was tried, found guilty of murder and sentenced to be hanged, at Jacksonville, on the 23d day of July, 1841. But on the night before, Gardner broke jail and made his escape. Some people insinuate that he escaped through the front door, although the jail was broken. So no man has ever been hung in Morgan county under a sentence of a court. Judge Stephen A. Douglas sentenced the convict; John S. Greathouse, the state's attorney, prosecuted, and John P. Jordan, of Winchester, defended him.

The earliest immigrants to Jacksonville were mostly from the southern states, but after a few years there were heavy immigrations from the north and east, until the population of the town was about equally divided between the southerners and northerners. As some of the southern people used to say, the population of the town was about equally divided between the "Whites and the Yankees." Although the southern people of the town and county were generally opposed to slavery, they did not sympathize with any interference with the supposed slave rights of their friends in the states from which they came. As time progressed a broad difference of sentiment existed between the two classes of people in the town, which was very much inflamed by the cruel murder of Lovejoy, at Alton, in the year of 1837, and soon thereafter Jacksonville became a station on the "underground railroad."

About the year 1835 a Kentucky family by the name of Chinn, in some way related to the Rev. Porter Clay and the Hardin family, then residing in Jacksonville, moved to this town, and brought with them two of their slaves, named Robert Logan and Emily Logan. Having been kept here a year or two by their master, the slaves were informed by some of the anti-slavery people that they were free, and were induced to leave their master and to live with other people of the town. But after a short time, when Robert was cutting wood at

the wood-pile, he was violently seized and tied and forced into a carriage by four armed men and was carried to Naples and shipped on a steamboat to the south. At the July term, 1838, of the circuit court of Morgan county, Charles S. Hardin and Marcus Chinn were severally indicted on the charge of kidnaping Robert Logan, and at the October term, 1838, of said court, Chinn was tried and acquitted and the indictment against Hardin was quashed. Jesse B. Thomas was the presiding judge at both terms of said court, Josephus Hewitt drew the indictment as state's attorney, and David M. Woodson prosecuted, as state's attorney, at the October term.

Emily Logan, after leaving her master, lived in the family of Mr. Elihu Wolcott and, under his direction and support, at the October term, 1838, by her attorney, Henry B. McClure, she instituted suit for her freedom, against Marcus A. Chinn, who claimed her as his slave, in the nature of a writ de homine replegiando. At the March term, 1840, of said court, Judge William Thomas, who was presiding, declined to try the cause, for the reason of his having advised as to the form of the action, before he had gone on the bench, and he ordered a change of venue of the cause to the Sangamon circuit court. Cyrus Walker, the noted criminal lawyer of Schuyler county, Illinois, and an uncle of the lamented Hon. Pinckney H. Walker, was defendant Chinn's attorney in the Morgan county circuit court. At the November term, 1840, of the Sangamon county court the case was tried by a jury, and they found that "she" (Emily Logan) was not his (Marcus Chinn's) "slave," and assessed her damages at one dollar, and she recovered a judgment establishing her freedom.

In February, 1843, Mrs. Sarah W. Liles, a resident of the state of Louisiana, on her way from Kentucky to her home, came by way of Jacksonville on a visit to friends. With her she had her slave Julia, a colored girl about the age of eighteen years. Shortly before her intended departure for her home in Louisiana her servant Julia was spirited away by some of the anti-slavery people and taken to the home of Mr. Cushing, near Greenfield, Greene county, on her indirect way to Canada. Here she was overtaken, in the care of Julius A. Willard, and brought back to her mistress. At the March term, 1843, of the circuit court of Morgan county Julius A. Willard and Samuel Willard were severally indicted for secreting and harboring Julia, a colored girl and a slave of Mrs. Sarah W. Liles. At that term of court the defendant, Julius A. Willard, by his attorneys, William Brown, Henry B. McClure and ——— Cole, appeared and demurred to each count of the indictment, which was sustained as to the first five, and overruled as to the sixth count. The balance of the order of the court runs as follows: "And the said defendant stands by his demurrer and, not defending further, it is ordered by the court that the defendant make his fine to the people of the state of Illinois in the sum of twenty dollars, and that he pay the costs of the prosecution."

The same attorneys, Brown, McClure and Cole, appeared and defended Samuel Willard, and at the May term, 1845, of said court the defendant withdrew his demurrer and pleaded guilty, and the court entered a fine of one dollar against him and ordered that he pay the costs of the prosecution. Samuel

D. Lockwood was the judge presiding in the prosecution of these indictments, and John W. Evans, of Jacksonville, was the state's attorney prosecuting; Dennis Rockwell was clerk and Alexander Dunlap sheriff. It may be fitting to state that Dennis Rockwell was appointed clerk of the circuit court of Morgan county within the first year of the existence of the county, and held the office continuously till the year 1848. He was also at the same time, for several years of the early life of the county, county clerk and recorder, and postmaster and, as some of our people have said, he carried the letters that came to the postoffice in his hat and distributed them to the people.

On the morning of the 9th day of February, 1869, General Murray McConnell was found lying on the floor of his office at his residence, his head saturated with and resting over pools of his warm, fresh blood, breathing his last breaths of life. At that time he was residing on the west side of North Main street, in the city of Jacksonville, about two blocks north of the public square, and one block south of the Wabash depot. His private office was on the ground floor, in the L part, and on the south side of his residence. His family consisted of himself, his wife, his son Edward, his two grandchildren, Murray and Belle McConnell, and the housemaid, Mary Ryan, and no other person was abiding with the family at that time. The General had prepared himself to take the train for Springfield, then due in a few minutes, on some private business respecting his claim to a large tract of land situated in the central part of the city of Chicago.

William A. Robinson, who was subsequently indicted for the alleged murder of General McConnell, was a well appearing young man, of the age of about twenty-eight years, had been raised in Lawrence county, Illinois, and was of a highly respected family. He had been living in the city of Jacksonville about three years and most of the time had been clerk in a hotel kept by the Kelsey brothers. He had married into an Irish family of the city of Jacksonville, plain, good people. He had a child of the age of one year. He had been for a few months, and was then, keeping a little provision store in a little room on the north side of the public square, jointly occupied by J. T. Stevenson as a tin shop and store. He had been living in a rented house on North Main street, north of the McConnell house, but a few days before had sold his household property and sent his wife and child to his father in Lawrence county. At the time of the homicide he was stipulating with Kelsey for the sale of a part of his stock of goods to him in satisfaction of indebtedness due from him to Kelsey.

A coroner's inquest was held over the dead body, Robinson was suspected, and after taking evidence a few days the jury found by their verdict that McConnell had come to his death by the hand of William A. Robinson, and he was committed to jail to await the action of the grand jury. The theory of the prosecution was that McConnell held Robinson's note for four hundred dollars, then overdue; that McConnell had been pressing him for its payment; that Robinson visited McConnell's office on the morning of the homicide, prepared with a weapon, probably some tool procured in Stevenson's tin shop, for the purpose of

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killing McConnel and taking his note. And that finding McConnel in his alone he offered to pay the note, and that McConnel took the note from his c and when he was proceeding to compute the interest on it Robinson in the mortal blow, took the note and left the office. The material evi taken before the coroner's jury, as appears in the coroner's report filed circuit clerk's office, is substantially as follows:

Mary Ryan, the housemaid, testified that at the time of the homicide knew of no one being in the house but the General, his wife and herself Edward, Murray and Belle had gone from the house. That about nine o' she was in the General's office, dressing up the room, and saw him sitting his table with his feet on the stove hearth, reading a letter; from there went up-stairs to do her chamber work, and while there she heard the bell ring, and went down and out of the back part and around the south of the house and down to the front gate, and received the milk and returned the same way into the back part of the house; and placed the milk, and turned up-stairs to her chamber work. That while so up-stairs (and she not certain whether it was the first or last time mentioned) she heard not below, one like a door jar and the other like the fall of something heavy; that about ten or fifteen minutes after she had left the General in his office returned to the office to supply the water-pitcher, and found him lying on floor dead, or dying, and various persons were called in for assistance. / some of these called in testified that they found the General lying on the floor in a dying condition, and that he died in a few minutes; that the lower part of the skull was crushed by some heavy blow, another similar wound on the top of the head, and one just forward of one ear. That a file bundle of valuable papers was lying on the table; that an interest book was lying open on the table, and that there was a heavy pencil-mark on the open leaf of the interest book, as though he had been tracing a column on the book and some sudden impulse had pushed the pencil forward; that a common wooden pencil, with the leaden point broken off, was found lying on the floor near the table; that his hat was lying on the floor, and two long, heavy paper weights were on the table, without any appearance of having been recently handled, and that his watch and money were found in his pockets undisturbed.

William H. Worrell, the dairyman, testified that he had known William / Robinson for several months by sight, and had seen him several times in his store, at Stevenson's tin shop. That he, the witness, was carrying on a dairy and had been delivering milk to the McConnel family for several months. That on the morning of the 9th day of February, as he drove from the east onto North Main street, nearly opposite the McConnel residence, to deliver milk, he saw Robinson walking on the street pavement in a south direction and when he reached the front gate he passed through the same and walked up the front walk toward the McConnel house; and that when he was about half way from the gate to the house his view was obstructed by the top of his milk-wagon being turned down and to the side, occasioned by the wheels running into a rut, and he saw him no more; that he stopped at the front

gate a minute and then rang the milk-bell, and the girl soon came and received the milk and returned to the house. And that between the time he so last saw Robinson on the front pavement, going toward the house, and the time the girl came from the house, Robinson had had time enough to enter the house; that Robinson was wearing a cap and a brown overcoat of medium length; that this afternoon (the afternoon when witness was being examined) he had gone to Robinson's store and bought some raisins of him; that Stevenson was there at the time, and in the presence of Robinson said that some one had said that he, witness, saw Robinson go into McConnell's yesterday; and he, witness, said he thought he did; and Stevenson said to Robinson, that that was about the time that he, Robinson, had gone down there, and that Robinson said yes, about nine o'clock, but that Stevenson made no reference to Robinson's purpose in going to McConnell's.

Elizabeth Mahoney testified that she knew William A. Robinson well; that he had been living close to where she lived; that a few days before McConnell's death Robinson's wife had gone away and he had sold all his furniture; that on Tuesday morning about nine o'clock, as she was walking south on North Main street, opposite McConnell's house, she saw Robinson coming from the direction of McConnell's house; that he was inside the yard, nearly down to the front gate; that he passed out at the gate and went north; that she did not notice his dress particularly; he had a short brown-colored business coat on; he had no overcoat; he had on a cap.

William A. Robinson testified before the coroner, that he was born in Lawrence county, Illinois, in the year 1842; that he had been living in Jacksonville about four years; that about two years of that time he had been clerk in the Mansion House, kept by Frank Kelsey; that he was married and had one child ten months old; that in June, 1868, he had gone into the grocery business in Jacksonville; that he and his family had, until within a few days, lived in a house on North Main street, and his wife had gone to Lawrence county to his father's; that on Saturday he had sold his furniture; that he thought his stock of goods amounted to about one thousand dollars, of which he had arranged with Frank Kelsey to take enough to pay him an indebtedness of five hundred and sixty-one dollars which he owed him; that he had been well acquainted with General Murray McConnell, and that a year or two before that time had borrowed four hundred and twenty dollars of him and gave his note for the payment of the same; that he took up said note by giving another note to McConnell for four hundred dollars, prepaying the interest by adding it in the principal; that he did not remember when it was made payable; that he paid the last mentioned note to McConnell in his office in December last; that no other person was there at the time, and that he burned the note in his stove the same day. That about nine o'clock on the morning that McConnell was killed he passed by McConnell's house, on the sidewalk going north to the house in which he had been living, to get a bread-board and some nutmegs which he had left there, to give them to a neighbor woman, and as he was passing the McConnell house he saw the witness, Mrs. Elizabeth Mahoney, on

the opposite side of the street, going south, and that he was down on that street but once that morning. That he had accumulated in his store the four hundred dollars with which he paid the McConnel note, in the month of December; that his collections were then good; that he kept no bank account, but carried his money; that he kept books in his business; that his books showed the payment of that note; and that it had been paid about the 10th of December. (While Robinson was being examined an officer had gone to his store, took and brought his store-books before the coroner, and they were handed to Robinson.) And, further testifying, Robinson stated that these were his books in which he had kept a cash account of debits and credits; that the small book was the old one, in which the entries were first made; that he wanted a new book, and had got the large one and transferred the entries of the small old book into the large new book; that he found the entry of the payment of the four hundred dollars to McConnel, of the date of December 10th, in the large book, but that he did not find that entry in the small book; that he did not know why it was not in the small book; that these entries were in his hand-writing; that in the large book these items and dates appeared in the cash account:

Dec. 7—To	Mdse.	.....	\$113.25
" 8 "	"	.....	73.60
" 9 "	"	.....	96.00
" 10 "	"	.....	63.25
" 11 "	"	.....	74.00

And also the item of date of December 10th on credit side, "Pd. M. McConnel, \$400.00." That in the small book these items and dates appeared in the cash account:

Dec. 7—To	Mdse.	.....	\$3.25
" 8 "	"	.....	3.60
" 9 "	"	.....	6.00
" 10 "	"	.....	3.25
" 11 "	"	.....	4.00

And that there appeared on the credit side of the small book no item of the payment of four hundred dollars to McConnel, and that he did not explain the facts of the difference of the entries in the two books, but that the large book was right, and that he had not written the figures 11, 7, 9, 6 and 7 in the large book that week, and that these figures, and the item of payment to McConnel, were written with the same ink.

It will be observed that the two merchandise accounts in the two account books would be precisely the same, as to dates, items and amounts, if the figures 11, 7, 9, 6 and 7, were taken respectively from the several items of the account in the new large book; and the difference in the aggregate amounts of the two accounts, is \$400. And it was in evidence before the coroner's jury, and also on the trial in the circuit, that the officer who took the books from Robinson's store, also found on his desk or counter one of Robinson's business cards, on the back of which was written, in apparently fresh ink, a figured calculation corresponding with the difference of the said two book accounts, and brought out the

result four hundred dollars. And Kelsey, the proprietor of the hotel in which Robinson had been clerk, testified that in his opinion the figuring on the back of the card was in the hand-writing of Robinson. And Robinson testified that he knew nothing of the writing on the card, and that he did not write it.

It was the theory of the prosecution that after Robinson discovered that suspicion was pointing to him he changed the entries in his new account book so as to account for the four hundred dollars with which to pay the McConnel note. At the April term of court Robinson was indicted, on the charge of murdering Murray McConnel. A special May term of court was called for the trial. The old court-house was thought unsafe as a court-room. The new court-house was then not completed. Strawn's opera house was provided for the trial, which was taken by the public as an invitation to attend the great, tragic murder trial, and they were there,—men, women and children. The hall was large, with galleries on three sides. Court convened on the 25th day of May. Charles D. Hodges was the judge presiding, an able jurist and a just man. William Brown, the state's attorney, prosecuted, assisted by Isaac L. Morrison, Henry J. Atkins and Isaac J. Ketcham, all of Jacksonville. The accused was defended by Judge Aaron Shaw, of Lawrenceville; Judge David M. Woodson, of Carrollton; Hon. James C. Robinson, of Springfield; and William H. Barnes, of Jacksonville.

Outside of the merits of the case, the defense had some advantage, McConnel's long, energetic and successful business life had engendered some animosities and jealous feelings with some of the people, which had not been altogether forgotten at the time of his death; and a supposed subsidized press, through a local correspondent of the St. Louis Democrat, the Chicago Journal and the Springfield Journal, day by day, during the trial, flooded the town with articles hostile to the prosecution and the deceased, and favorable to the defense. And, strange as it may appear, almost all the women present took a decided stand in favor of the defense, possibly on account of their natural sympathy for the unfortunate but genteel appearing wife and innocent child of the defendant, and for the well appearing defendant himself. Perhaps some of them had not forgotten some old grudge or prejudice against the deceased. At all events they manifested their sympathy for the defense and their prejudice against the prosecution in the most shameful and unbecoming manner, by outbursts of applause in open court, until that was suppressed by the judge, and, occupying the gallery immediately over the jury box, by dropping notes down on the jury, and showering down bouquets on the defendant and his wife and child, and on the defendant's attorneys immediately on the adjournments of the court. By way of showing contempt for the prosecution, while Attorney I. L. Morrison was making the closing argument for the prosecution, a large bunch of smartweed, dog-fennel and other noxious growth was thrown from the gallery on his table in front of him. The verdict of the jury was for the acquittal of the defendant, and after the adjournment of the court, as soon as they could be reached by the women, the defendant, his wife and child and the defendant's attorneys and some of the jurors were profusely honored with bouquets, and a move was made to give the acquitted defendant and his wife a banquet at the

hotel that night, but some of the more sober-minded people, for shame, interfered and put a stop to it. The people of the state of Illinois did not prosecute anyone else, or look for anyone else to prosecute, for the murder of General Murray McConnel.

In the trial of a judicial cause that elicits much public sentiment, no influence is more menacing to a fair administration of justice than the interference of an unscrupulous public press, or the presence of a large attendance of sympathetic and prejudiced women.

David Allen Smith* was born near Charlotte Court House, Charlotte county, Virginia, June 18, 1804. His ancestors were English people who came to Virginia at a very early day. Many of their descendants are now residents of that part of Virginia. His parents, Thomas and Millie (Roper) Smith, removed to Pulaski, Giles county, Tennessee, when he was but a few years old. There was but one other child in the family, a daughter, who died in very early life. In the year 1821 they removed from Pulaski to Courtland, Lawrence county, Alabama; but David was left at Pulaski, under the care of the Rev. Mr. Wier, with whom he pursued a full course of academic studies. After this he entered the office of Judge Bramlett, of Pulaski, and began the study of law. In a letter to his father, under date of April 1, 1821, he speaks as well of his general reading as of his reading of law, and says: "Since I have been with Judge Bramlett I have read Hume's History of England, in eight large volumes; Gibbon's Decline and Fall of the Roman Empire, in eight large volumes; also three volumes of Sir William Blackstone's Commentaries on the laws of England, and I am now reviewing for my examination, as I have already stated."

He was admitted to the practice of law in 1824, in the twentieth year of his age, and at once entered upon his professional work at Courtland, and there continued it until 1837, when he removed to Illinois. Although of a cheerful and lively disposition and fond of company, he was a very diligent student. The very full notes he made while pursuing his law studies show that he read with great care and that he was never content, in his researches, until he obtained a clear view of the subject he had in hand. These notes themselves are remarkable evidences of patient investigation and careful notation, and they and his letters and other writings show clearly that before he was admitted to the bar he had already obtained a good education. Considering the condition of the country at that early day his opportunities were good, but good as they were, he made the very best use of them.

Soon after his admission to the bar, he married Miss Jane Smith, a daughter of Captain William Smith, of Charlotte county, Virginia. She lived only about six months after their marriage; but it is said that it was due to her influence that he was led to an earnest consideration of the claims of religion upon him; and here seems to have been the commencement of that active and faithful Christian living which characterized him up to the close of life. On the 4th day of August, 1830, he was married, at Huntsville, Alabama, to Miss Eliza Eleanor Allan, a

*Contributed by John M. Lansden.

daughter of the Rev. Dr. John Allan, then widely known as the pastor of the Presbyterian church of Huntsville.

In 1837 he removed from Courtland to Carlinville, Illinois. He remained in Carlinville, in the practice of the law, for two years; and in 1839 removed to Jacksonville, where he remained until his death, July 13, 1865. He was thus engaged in the active practice of the law forty-one years,—thirteen at Courtland, two at Carlinville and twenty-six at Jacksonville. He was a good lawyer when he left Alabama, and after locating in Illinois it was but a short time before he had acquired an excellent practice. The extent of his practice in the supreme court of the state is seen in the large number of cases he had in that court, reported in the third to the thirty-ninth volumes of our reports, and embracing the years 1839 to 1865.

Soon after going to Jacksonville he formed a copartnership with General John J. Hardin, who afterward became colonel of the First Regiment of Illinois Volunteers in the war with Mexico, and who fell at the head of his regiment, February 23, 1847, at the battle of Buena Vista. While General Hardin was absent in the service Mr. Smith regularly divided the income of the business with Mrs. Hardin. The diligence that characterized him as a student, characterized also his professional life. He exemplified that oft forgotten truth—forgotten as often by lawyers as by others—that without diligent attention to one's work there can be no well founded hope of success. The rewards of his professional labors are, therefore, easily accounted for. They came to him as the necessary and legitimate fruits of the diligent use of his talents and acquirements. These were of a high order, it is true; but in the will that governed and applied them must be found the secret of his success.

In politics he was a Whig so long as there was a Whig party. He believed firmly in its principles; but when that party ceased to exist he naturally allied himself with the Republican party, and it is probable that he found there even a more congenial home than his former party had afforded him. He was a member and an elder in the Presbyterian churches of Courtland, Carlinville and Jacksonville. In the work of the church, as in the legal profession, he stood in the front rank, and was there always a leader. With him the work was not to be confined to a groove or restricted to a narrow field. He never exhibited great alarm at the cry of "politics in the pulpit." He saw a clear distinction between carrying politics into religion and religion into politics. He would not concede that questions clearly possessing moral as well as political features should be controlled solely by the latter; for to him the moral feature of a matter was often its chief feature. Liberality to all the local and general enterprises of the church was not to him the sole criterion of duty. He recognized the great truth that the highest demands of religion are of a personal nature, not to be satisfied with material gifts; and, therefore, while he gave regularly and always liberally, he gave to the cause all those personal attentions without which no Christian profession or life can possess much character or force.

His children were as follows: Captain Thomas William, deceased; Ann Mary, wife of James Moore, Esq., of La Porte, Indiana, both deceased; Eliza

Ellen, wife of Rev. George C. Noyes, D. D., of Evanston, deceased; John Allan and David Brainard, of Jacksonville; Euphemia Wyeth, wife of John M. Lansden, Esq., of Cairo; Laura Allan, wife of Captain James H. Kellogg, of Jacksonville, deceased; Catharine Barr, wife of James E. Munroe, Esq., of Chicago; James Edward and Sarah Emma, twin children, both deceased, and Hugh Barr, of Jacksonville.

Upon his father's death he came into the possession and ownership of a number of slaves. It may be that he owned slaves before that time. It is not known that his views in regard to slavery had undergone a change. He may have always believed that it was wrong. Be that as it may, he became impressed with the belief that his ownership of the slaves imposed upon him a very important duty to them. How he, among so many others thinking and acting otherwise, reached the conclusion he did, or how long he was in reaching it, we do not know; but in March, 1837, he presented to the county court of Lawrence county, Alabama, a petition for the emancipation of his slaves. The decree of emancipation was entered by the Hon. James Gallagher, the judge of the court, March 22, 1837.

This action of Mr. Smith was so averse to the wishes and advice of his friends and perhaps some of his kinsmen, that it became evident his longer residence in Alabama would be agreeable neither to them nor to him. This spirit of emancipation, so practically manifested, found no countenance in public opinion, and the natural fitness of things suggested that such a man should seek a home in a state where there were no slaves and hence no need of emancipation. To a man who was willing to part with his slaves without a money consideration, it was not difficult to bestow freedom upon them; but to turn and face, for himself and his freedmen, an indignant community, was quite another matter. The gift of freedom by the master to his slaves seemed an open declaration against slavery itself and a kind of necessary condemnation of all who desired or were willing to stand in the relation of master to slave. How very natural was it, therefore, for Mr. Smith to desire to exchange his Alabama home for a home in Illinois. But he found prevalent in Illinois a public opinion not wholly different from that which he supposed he had left in Alabama. He and his freed slaves, whose departure from Alabama was in the interest of peace, were regarded in Illinois as a disturbing element, so much so, that he, no doubt, questioned with himself as to whether he had made the proper choice of a new home. To him it must have seemed at times that the misfortune of slavery to the slave was quite offset by the misfortune of emancipation to the master. But the emancipation of his slaves did not dissolve all of the bonds existing between him and them. Some remained, and these it seemed to enlarge and strengthen; for from the day of their emancipation to the day of his death, they and their children were ever objects of his care and solicitation.

This portion of Mr. Smith's life was to him an age of persecution. He would not have said so, but it was persecution for righteousness' sake; and it is for this reason that we have thought it proper to dwell somewhat upon it in this short sketch of his life. But throughout all those years he seems never

to have wavered; and while he is not known to have mentioned it to any one, he must have rejoiced, as the years drew on, to see his course in those trying times so signally vindicated. He lived to see emancipation made general; and no doubt when it came, although in the conflict of war, he remembered more vividly than ever before the circumstances under which he had emancipated his own slaves.

We close this rather lengthy part of the sketch by giving one of the two decrees of emancipation entered by the Alabama court on Mr. Smith's petition, March 22, 1837.

State of Alabama, }
Lawrence County. } ss.

Be it remembered that at a special term of the county court begun and held for said county at the court-house in the town of Moulton, on Wednesday, the 22d day of March, 1837. Present, Hon. James Gallagher. On petition of David A. Smith, of said county, to have emancipated his following slaves, to-wit, negroes: Old Isham (full description given of each), young Isham, Anthony, Henry, Mary, Kitty, Eliza, Thomas, John, Sarah, Monamid, Matilda, Nathan, according to the provisions of an act of the legislature of said state of Alabama, entitled "An act to authorize the judges of the county courts to emancipate slaves," and it appearing to the satisfaction of the court that said David A. Smith has fully complied with the terms and requisitions of said act, and that each of said slaves, as were capable, from age, had rendered meritorious services to their said master, it is ordered, adjudged and decreed, in pursuance of said act of the legislature and the foregoing facts, that the said slaves and the future increase of the females be forever freed, discharged and emancipated from the claim or claims of the said David A. Smith, his heirs, executors, administrators and assigns, to the involuntary or slavish service of the said slaves and their future increase of the females; and that said David A. Smith pay the costs of this proceeding.

JAMES GALLAGHER, Judge.

LAWYERS OF MORGAN COUNTY.*

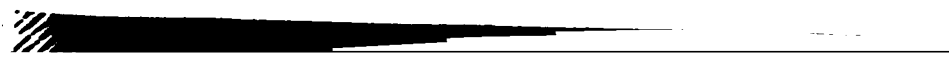
Isaac La Fayette Morrison, for more than forty years one of the leaders of the bar of Illinois, was born in Barren county, Kentucky, January 20, 1826. His father, John O. Morrison, was a native of Virginia, whither his father, Andrew Morrison, had emigrated from the north of Ireland. Andrew Morrison enlisted in the Continental army during the Revolutionary war and was killed at the battle of Brandywine. Maternally Mr. Morrison is a descendant of the Welborn family of North Carolina. His maternal grandfather, Samuel Welborn, was also a Revolutionary soldier and served under General Nathaniel Greene in his campaign in the Carolinas. Afterward he moved to what is now Monroe county, Kentucky, in which state John O. Morrison, who had immigrated thither in 1793, and Elizabeth Welborn were united in marriage.

John O. Morrison, a farmer, died when Isaac L. was fifteen years of age, and therefore a great amount of responsibility rested upon the youthful shoulders of the latter. He attended the common schools during the winter months, and after his father's death a large share of the management of the farm devolved upon him, and for several years thereafter he was able to devote but little time to

*The following sketches are not contributed by Judge Epler.

Handwritten text, possibly a list or notes, mostly illegible due to fading.

Handwritten signature or name, possibly "H. M. ...".





THE BENCH AND BAR OF ILLINOIS.

study. When the opportunity offered itself he entered the Masonic Semir located in La Grange, Kentucky, and later studied law in the office of Addison Gazelay, and was admitted to the bar in 1849. He began to practice his profession in La Grange, but clients being few and he being an opponent of institution of slavery and its advocates, he determined to locate in a different section, where the opportunities to advance were better and where slavery not exist.

In 1851 he settled in Jacksonville, Illinois, and although he had no friends or acquaintances in the state he quickly gained an enviable reputation as a lawyer of ability and as a man of undoubted integrity. By constant application and honesty of action and purpose he soon earned for himself a prominent position in the front ranks of his profession, and his career at the bar of the state has been a long continued series of triumphs. His intellect is vigorous and acute, his judgment quick and comprehensive and his argument is close and rigid in logic, skillful in method, agreeable and forcible in manner. In legal learning, in what may be called the erudition of his profession, he has no superior at the bar, and those qualities have given to him the eminent standing so readily accorded him. As a pleader at the bar he endeavors to make his argument so as to place the facts before the court without embellishment; but should occasion seem to require force he can bring a flood of eloquence to bear upon the facts, and in some cases uses refined sarcasm with effect.

He has not always practiced his profession alone but at various times he had partners. At the time of the Rebellion, Herbert G. Whitlock, then a student, left his office to enter the army. After his return from the war he was admitted by Mr. Morrison into a partnership, which continued for twenty-two years. For seven years, between 1861 and 1869, Mr. Morrison was associated with Cyrus Epler, now circuit judge. At present his son-in-law, Thomas Worthington, is his business partner.

Mr. Morrison has never been a politician in the sense of office-seeking. His love of freedom and opposition to slavery naturally placed him in the ranks of the Whigs, and he was one of the active organizers of the Republican party. He was a delegate to the first Republican state convention in 1856, and also a delegate to the Republican state convention of 1860. In 1864 he was a delegate to the Republican national convention at Baltimore, which renominated Lincoln for the presidency. He represented his district in the Illinois legislature for three terms and rendered valuable service to the people. In the session of 1883 the Republicans had but one majority, and having organized the house were held responsible for the legislation. One of their number was taken sick, and, being thus without the means of controlling the house, the services of a competent leader were badly needed and Mr. Morrison naturally took command.

His ability as a legislator was unquestioned, and his knowledge of the law and parliamentary usages made him a power in the deliberations and acts of the body. As chairman of the judiciary committee he assisted in molding all the important measures of the session. The so-called Harper high-license bill, which was introduced by Mr. Harper and given his name, was conceived and drafted by

Mr. Morrison and Major James A. Connolly, then United States attorney for the southern district of Illinois. The law has been beneficial in many ways and has been the pattern after which the various high-license laws of the several states which have adopted high license have been drawn. Mr. Morrison led the champions of high-license in the house and carried it successfully. The opposition to the measure was great, and the vote was not entirely upon party lines. The final victory was largely due to the management of Mr. Morrison, and the ability that he displayed therein commanded the respect of most of his fellow members whether of his own party or of the opposition. An examination of the full history of the proceedings of the legislature during the three months which were occupied by its deliberation of the bill would disclose Mr. Morrison's name mentioned with honor on each page.

In 1880 Mr. Morrison was nominated for congress, and made a spirited canvass of his district, which consisted of Christian, Sangamon, Menard, Cass, Morgan and Scott counties. The district was overwhelmingly Democratic, and he did not expect to be elected, but he succeeded in materially reducing the usual Democratic majority. For the past ten years Mr. Morrison has not been active in political matters, but has aided his party during its campaigns by public speaking in advocating the principles of the Republican party. He was a delegate to the state convention in 1892 and as chairman of the committee on resolutions reported a resolution indorsing President Harrison for the presidential nomination. However, he has devoted himself almost exclusively to the practice of his profession.

He was general counsel for the Jacksonville Southeastern Railroad line before it was placed in charge of a receiver, and is still counsel for some of the stockholders; was also vice-president of the Chicago, Peoria & St. Louis road.

Mr. Morrison was married in 1853 to Mrs. Anna R. Rapelje, nee Tucker, a native of New York city. They have two children: Miriam A., the daughter, is the wife of Thomas Worthington, who is a partner of Mr. Morrison in the law firm of Morrison & Worthington. The son, Alfred Tucker Morrison, resides at home.

Mr. Morrison owes his success entirely to his own efforts. He has not feared that laborious application which his profession requires of all its successful members, and, combined with industrious habits, he possesses a mind which constant application has stored with a knowledge of the law and its adaptation. His career should serve as an inspiration to the young law student, and should induce him to exert himself to his fullest capacity and endeavor to emulate the example furnished.

Hon. Richard Yates, the war governor of Illinois, was a native of Kentucky, born in the city of Warsaw, on the 18th of January, 1818,—the year of Illinois' admission to the Union. When thirteen years of age he accompanied his father's family on their removal to Springfield, this state, and in Jacksonville, Illinois, he completed his literary education, being graduated in Illinois College, in 1838. Determining upon the practice of law as a life work, he began reading the legal authorities and when he had sufficiently mastered the principles of

jurisprudence was admitted to the bar. He then opened an office in Springfield and won distinction as one of the leading jurists at a period when Illinois was famed for the brilliance of her legal fraternity. He also became a prominent factor in politics, and from 1842 until 1849 was a member of the legislature, while in 1850 he was elected to congress, being the youngest member of the thirty-second congress. He was re-elected in 1852, and in 1860 was elected governor of Illinois, and again in 1862. He had been an outspoken opponent of slavery, and at the opening of the civil war was very active in raising volunteers. He convened the legislature in extra session on the 12th of April, 1861,—the day after the attack on Fort Sumter,—and took military possession of Cairo, garrisoning it with regular troops. In Governor Yates' office General Ulysses S. Grant received his first distinct recognition as a soldier in the civil war, being appointed by him mustering officer of the state, and afterward colonel of the Twenty-first Regiment of Illinois Volunteers. On the expiration of his term as governor Mr. Yates was elected to the United States senate, where he served from 1865 until 1871. He died in St. Louis, Missouri, November 27, 1873, his death occurring while he was returning from a visit to Arkansas, where he had been examining a railroad as United States commissioner. He exerted a wide influence on public affairs in Illinois during the middle portion of the century and was an important factor in securing such strong support from Illinois for the Union cause and the administration at Washington.

Felix D. McAvoy is one of the enterprising young politicians and members of the Jacksonville bar. He is a native of Illinois, his birth having occurred May 10, 1859, on the old family homestead in Morgan county. During his boyhood and early manhood he worked as an agriculturist and was of great assistance to his parents in the management of the farm which they owned and operated. Later he became the confidential clerk and bookkeeper of the well known grain merchant, Edward C. Lax, and while in his employ learned the fundamental principles of business. He was faithful to the interests of his employer, and even then gave promise of the successful future which he was about to carve out for himself. He was so fortunate as to acquire an excellent education as a foundation for further advancement, and in 1882 he was graduated in Saint Mary's College, in Kansas.

The honored parents of Felix D. McAvoy are both living, their home being in Jacksonville, where they are passing their declining years in peace and plenty, after a life-time of industrious, successful toil. The father, Daniel McAvoy, now seventy-six years of age, was born in Queens county, Ireland, and came to this country in 1857, settling in Jacksonville, Illinois. He was a stone-mason by trade, and during the first years of his residence here he worked on a number of the public buildings of this locality. Later, he bought a farm, about six miles south of the city, and there he reared his family to become good and useful citizens. His wife, whose maiden name was Ann Johnson, is now in her sixty-ninth year, and she, too, is a native of county Queens, Ireland.

Felix D. McAvoy entered upon his present line of work by taking up the study of law in the office of J. W. Springer and C. H. Dummer, and received in-

struction, likewise, from J. T. Springer and William P. Callon. With the last mentioned gentleman he has been associated in partnership for several years, and they have built up a desirable reputation for knowledge and skill in the law. Mr. McAvoy was admitted to the bar in 1888 and has given his whole time and attention to his professional duties since. He has not, however, in his zeal for personal advancement, neglected his duties as a citizen and his share in public matters. In 1892 he was elected state's attorney on the Democratic ticket, being an earnest ally of that party, and served efficiently in that position until the close of his term, four years later. He was also assistant United States marshal under Herman Webber, and is now United States commissioner, having superseded William J. Bryan in that office.

Judge Edward P. Kirby stands prominent among the members of the Illinois bench and bar and is an honored citizen of Jacksonville. During his long residence here he has actively aided in all public enterprises and improvements, championing progressive movements of all kinds. For thirty-five years he has been engaged in the practice of his profession in this city, and no one stands higher in the estimation of the legal fraternity of central Illinois. A native of this state, he was born sixty-five years ago, October 28, 1833, in the town of Hadley. His parents, Rev. William and Hannah (Wolcott) Kirby, were both natives of Connecticut. The founder of the Wolcott family in America settled in New England in 1630, while the progenitor of the American branch of the Kirbys came to these shores scarcely a twelvemonth later, in 1631. Members of both families fought in the Continental army, and from that day to the present patriotism has been a marked characteristic with them and their descendants.

Judge Kirby received an excellent education, and after completing his common-school studies entered Illinois College, at which well-known institution of learning he graduated in 1854. He then engaged in teaching in a private school in St. Louis for three years, after which he held the position of assistant principal in the West Jacksonville high school for one year. Dr. Newton Bateman, the principal, then being elected superintendent of public instruction, Mr. Kirby became his successor in the other position, and as such he served for four years, giving general satisfaction.

In 1863 the Judge took up the study of law in the office of Morrison & Epler, of Jacksonville, and in February, 1864, was admitted to the bar of Morgan county. Since that date he has been actively occupied in practice here. In 1882 he entered into partnership with Hon. William Brown and Robert D. Russell, and this connection continued in existence for some four years. In 1886 Mr. Russell removed to Minneapolis, where he was shortly afterward elected district judge. For several years the firm of Brown & Kirby transacted legal business, or until the appointment of Mr. Brown to the place of general solicitor for the Chicago & Alton Railroad. In the fall of 1873 the subject of this sketch was elected county judge of Morgan county, and upon the expiration of his term of service was re-elected. Thus he held the office continuously from 1873 to 1882. Politically, he has always given his support to the Republican party, and in the autumn of 1890 was elected to the lower house of the thirty-seventh general as-

sembly of Illinois. For about fifteen years he served as secretary and treasurer of the Hospital for the Insane, and was trustee of that institution for twelve years, retiring from the office in 1893. Since 1865 he has been a trustee of Illinois College.

In October, 1862, occurred the marriage of Judge Kirby and Miss Julia S. Duncan, who died July 5, 1896. Miss Duncan was the youngest daughter of ex-Governor Joseph Duncan, who was the fifth occupant of the gubernatorial chair in Illinois. In 1898 the Judge married Miss Lucinda Gallaher, youngest daughter of Rev. William G. Gallaher, one of the pioneer Presbyterian ministers of central Illinois.

Hon. Edward McConnel has for many years been before the public in various capacities of distinction and honor. He is an old citizen of Jacksonville, his birth having occurred here July 19, 1840, and, with the exception of a few years, his entire life has been spent in this place. He has been intimately associated with the development and progress of this thriving little city and has done all within his power to promote its prosperity. In 1894 he was elected to the lower house of the thirty-ninth general assembly of Illinois, and in 1896 was further honored by being elected to the senate from his senatorial district,—his term to expire in 1900.

The Senator is a son of Murray and Mary (Mapes) McConnel, natives of New York and New Jersey respectively. The father fought in the Black Hawk war in this state, and was one of the sturdy old pioneers who paved the way for on-coming civilization and placed this section on a sure basis of law and good government. Edward McConnel learned the elementary branches in the public schools of his home community, completing his education in Illinois College, where he was graduated in June, 1859. The following autumn he began the study of law, in the office of his brother, John L.

When the Civil war broke out Mr. McConnel enlisted in Company B, Tenth Illinois Volunteer Infantry, on the three-months call, and was mustered into the army in Cairo, Illinois. In August, 1861, he was appointed first lieutenant of the Sixteenth United States Infantry and served until March, 1866, when he resigned and returned home. His regiment was at the front most of the time and saw active service in the operations in Kentucky, Tennessee, Georgia and Mississippi, being attached to the Fourteenth Army Corps. Lieutenant McConnel's service was marked for bravery and gallantry of action, and he was frequently publicly commended for his strict and unwavering attention to the duties devolving upon him in some of the most arduous campaigns of the great civil conflict.

Coming home from the battle-fields of the south, Mr. McConnel was engaged in the manufacture of woolen goods for several years, and met with success in his business venture. In 1875 he resumed the law studies which the war had interrupted fifteen years before. He was admitted to the bar in 1879, since which time he has been actively occupied in practice. For fourteen years he was master in chancery, from 1883 to 1897. The marriage of Mr. McConnel and Mrs. Julia F. Garetson took place in St. Louis, Missouri, December 7, 1874.

Cyrus Epler, for twenty-four years circuit judge of Morgan county, Illinois,

was born in Clark county, Indiana, and is of German and Scotch-Welsh descent. He removed with his parents from Indiana to Morgan county, Illinois, in 1831, and was reared upon a farm until nineteen years of age. He then entered the preparatory department of Illinois College, of Jacksonville, and later pursued his education in the college, where he was graduated with the class of 1847.

On leaving that institution he took up the study of law in the office of Brown & Yates, the members of that firm being Judge William Brown and Hon. Richard Yates, afterward governor of Illinois. For a year he continued his reading of the text-books which furnished a fundamental knowledge of the science of law, and then, on account of failing health, joined the California argonauts and went to the Pacific slope. After two years' absence he returned to his legal studies and was admitted to the bar in the year 1852. He immediately entered upon the practice of law and the same year was elected circuit attorney for the first judicial circuit, which office he held for four years. In 1856 he was elected to the state legislature as the representative of the district composed of Morgan and Scott counties, and in 1859 was re-elected to the same office. He was master in chancery for six years, continuing in that position until 1873. Up to that time Judge Epler had continuously practiced law in the state and federal courts, but in 1873 was elected circuit judge of the eighteenth judicial circuit, embracing the county of Morgan. In the year 1879 he was elected judge of the seventh circuit, embracing Morgan county; and in 1885 and again in 1891 was re-elected. In 1897 he declined to offer himself for re-election, having served on the bench for twenty-four consecutive years. During all this long period, he brought to the performance of his most difficult and delicate duties a large experience and much legal learning, an earnest desire to decide correctly and fairly, coupled with the most laborious and painstaking care. He impressed all the people with his sincerity and singleness of purpose. No one questioned his integrity.

With such a record, Judge Epler may well feel entitled to the plaudit, "Well done, thou good and faithful servant." During all that period of nearly a quarter of a century he never missed regularly holding every term of court assigned to him. He faltered at the performance of no duty; his course awakened the confidence and respect of the bar and the public. Now, as he moves down the western slope of life, where the shadows begin to lengthen, he may justly feel a sense of satisfaction in the thought that in his long life, honorably spent, he has left no duty unperformed.

Charles A. Barnes, judge of the county court of Morgan county, and for twenty years a member of the bar of Jacksonville, was born in Alton, Illinois, July 4, 1855. His father, William Barnes, D. D., was born in New England, and was of Scotch descent. He was graduated in Yale College and has devoted his life to the Presbyterian ministry. He married Eunice Hale Hubbard, a descendant of Nathan Hale, the noted American patriot, who made his way within the British lines at the time of the American Revolution and was captured and hung as a spy. Mrs. Barnes was also born in New England, and her people



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were of English descent. From Alton Dr. Barnes and his wife removed to Jacksonville in 1860 and have since made their home in that city.

Judge Barnes was only five years of age when he accompanied his parents on their removal to Jacksonville. He attended the public schools, was graduated in the high school and then entered the Illinois College, completing the classical course in that institution by his graduation in June, 1876. Determining to make the practice of law his life work he continued his education in the law department of the University of Michigan, at Ann Arbor, where he was graduated in 1878. Returning to Jacksonville he opened an office and has since engaged in practice. It has been his chief object in life to become a good lawyer and he now enjoys a wide and enviable reputation as a trial lawyer, being especially successful in the conduct of criminal cases, owing to his close examination of witnesses, his logical deductions and the clearness and force with which he presents his cause to judge and jury. In 1897 he was elected county judge of Morgan county to fill a vacancy and is now upon the bench.

For eight years the Judge was a member of the Illinois National Guard, serving as a private of the Morgan Cadets, Company I, of the Fifth Regiment. In politics he has always been a stalwart Democrat, and is an active supporter of the men and measures of the party, his eloquent, entertaining and logical addresses during campaigns winning many converts to the party and strengthening those of doubtful faith. On the Democratic ticket he was elected city attorney of Jacksonville in 1882 for a two-years term, and in 1884 was elected county attorney, which position he filled for eight consecutive years, discharging his duties with promptness and impartiality. By Governor Altgeld he was appointed president of the board of trustees of the Illinois Institution for the Education of the Blind, and served in that position from 1893 until 1897. His public service has always won the public commendation, for he has the general welfare at heart and is most conscientious and able in the performance of the duties devolving upon him.

On the 19th of February, 1889, Judge Barnes married Miss Madge G. Martin, of St. Louis, Missouri, and they have one daughter. Socially he is connected with the Masonic, Odd Fellows and Knights of Pythias fraternities. He was grand chancellor of the Knights of Pythias of the state of Illinois for the year 1892-3, and is now one of the supreme representatives from Illinois to the supreme lodge. In his religious belief he is a Presbyterian and belongs to the State Street church of that denomination.

Harry M. Ticknor.—It is always a pleasurable task for the chronicler to trace the history of a young, ambitious man,—one who in his early prime has not yet lost the enthusiasm and high ideals of youth and whose plans for the future are broad and far-reaching. The worthy member of the Jacksonville bar whose name appears above is such an one. Standing at the threshold of a most promising career, and thoroughly devoted to his profession, he is not selfish and one-sided in his aims, but is deeply interested in whatever affects the general public and his country. The cause of education, of improvement, in his home community and the state at large, of everything, in short, which makes for higher and

better forms of civilization and individual and public life, are each and all matters of moment and grave consideration to him.

Harry M. Ticknor comes from a highly esteemed eastern family, his ancestors having held many places of honor and prominence in the annals of the United States. His parents, L. F. and Flora (Thompson) Ticknor, are both natives of New York state and are now sterling citizens of Illinois. Our subject is one of the native sons of Jacksonville, his birth having occurred here thirty years ago, August 16, 1868. He received his elementary education in the excellent public schools of this place, and after completing his high school studies he determined that he would become an attorney at law.

After reading law in the office of Morrison & Whitlock for two years he went to Ann Arbor, Michigan, where he entered the law department of the state university. In 1892 he was graduated at that celebrated institution of learning with the degree of Bachelor of Laws, and immediately established himself in business in Jacksonville, his old home. He practiced for two years and then spent about one year on the Pacific coast, the time being profitably occupied in travel and sight-seeing. Returning then to Jacksonville, he resumed practice and now has an office at No. 237 West State street. He has built up a good reputation for being thoroughly posted in his knowledge of the law, and numbered among his clients are many of the leading citizens and business men of the city. He has virtually practiced alone, and owes very little to others for the success which he has achieved. His line of practice is general and comprehensive and his ability is recognized by the older members of the local bar.

In his political views Mr. Ticknor adheres to the principles of the Republican party, and is an important factor in its success during local campaigns. His services have been labors of love for the cause, for he is in no sense an office-seeker. His friends in the party find in him just the assistant they need, for he is always ready to sacrifice personal comfort and his own interests to promote what he earnestly believes is for the welfare of his fellow-men. He has acted in the capacity of secretary of the city and county Republican committees and his zeal and efficient work as such entitle him to be called one of the "wheel-horses" of the party.

The marriage of Mr. Ticknor and Miss Anna Florence Graham, of Meredosia, Morgan county, Illinois, was solemnized November 14, 1895. Her father was during his lifetime a merchant and banker and one of the influential and respected citizens of Meredosia, which place is located in the western part of this county.



Journal of the History of Biology

in the two centuries of German rule in North Africa, reports from India to Moghul courts. The book is a translation from an early manuscript. The editor is a member of Trinity College, Oxford, and is a specialist in the history of the region. The book is a valuable contribution to the study of the history of the region, and is a must-read for anyone interested in the history of the region.

that the same year was admitted to the bar in the year 1832, and that
thereafter he followed the practice of law and the same year was admitted
to the bar of the District of Columbia, which office he held for some years.

He was elected to the state legislature as a representative from the county of Lincoln and Scott counties, and in 1870 was elected to the office of clerk of the same court. In 1871 he was elected to the same office for the term of two years, and in 1872 he was elected to the same office for the term of two years, and in 1873 was elected to the same office for the term of two years.

For the last 10 years, most of the work in the field of behavior change has been in the area of understanding how people adopt and use health care services. The CDC has been pleased to offer this award for recognition of the best behavior change intervention over the past five years. During this time, we have seen the performance of a host of different and diverse interventions and have enjoyed seeing the earnest desire of individuals and organizations to make substantial and lasting contributions to the health of the community. The quality and originality of proposals have been outstanding.

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James, judge of the county court of Morgan county, and a member of the bar at Jacksonville, was born in 1810. His father, William Barnes, D. D., was born in New England and was a minister. He was graduated in Yale College and had been in the ministry. He married Eunice Lett. His father, the noted American patriot, who was active in the time of the American Revolution, and was killed at the battle of the Clouds, was also born in New England, and died in 1800.



C Epler

tried with success a few notable criminal cases, among them the Williams forgery case. His successful speech to the jury on behalf of the defendant in this case, occupying two days in delivery, at the end of a trial of great public interest, which lasted six weeks, placed him in the proud rank of eminent jury advocates. His oratory is convincing and his zeal and earnestness never fail to impress his auditors. Care and precision mark the preparation of his cases, and his essentially clear-headedness enables him to grasp at once the salient points in a case and to present them with unusual conciseness and directness.

Previous to the annexation of the town of Lake, which at that time contained one hundred thousand inhabitants, Mr. Thornton was elected to the office of corporation counsel, and most efficiently served in that capacity. In 1897 he was appointed by Mayor Harrison corporation counsel of Chicago, and is therefore the present incumbent. In 1889 he was elected president of the board of education of Auburn Park, which is his place of residence. The pride of the American citizen in American institutions culminates in the public schools, and, considering the zeal and energy expended in developing them and the momentous influence they have upon the manhood of the country, this is justifiable. Mr. Thornton was elected a member of the Cook county board of education and subsequently was elected a member of the board of education of Chicago. In January, 1885, an appointment, made by the governor of the state and confirmed by the senate of Illinois, gave him a membership on the state board of education. He has been a prominent and very useful factor in educational circles, and is the originator of a number of reformatory measures now enforced in the public schools. His observations, gleaned from investigation of the Cook County Normal School, were published and attained considerable prominence. He inaugurated the College Preparatory School of this city, and likewise the system of truant schools. In 1895 he framed the teacher's pension bill, and through his influence it became a law. The educational interests of the city are certainly largely indebted to Mr. Thornton, and his work has been of the greatest benefit. Of scholarly attainments and literary tastes, he has given much of his time to study, and few men are better informed on matters of general interest. His political support has ever been strongly given the Democratic party, but in the public offices he has filled, so faithfully has he discharged his duties that he has received the commendation of many of the leaders of the opposition.

Mr. Thornton was married in 1883 to Miss Jessie F. Benton, of Chicago, and they now have three daughters: Mabel J., Pearl Esther and Hattie May. In fraternity and society circles Mr. Thornton has a wide acquaintance. He is a man of pleasing personality, genial manner and true courtesy, and his many admirable qualities of mind and heart have endeared him greatly to his many friends. Though he is most widely known in professional and educational circles, his honor in all life's relations has won him the respect and regard of his fellow men.

Thomas Drummond was born October 16, 1809, in Bristol, Maine. At this place James Drummond, father of Judge Drummond, was born and spent his

entire life. He was a sailor, as well as a farmer, and the early life of his son was spent amid surroundings that eminently fitted him for the admiralty practice in which he gained such marked distinction. James Drummond was a man of superior intelligence, and for several years was the representative of his town and county in the state legislature. He married a daughter of Henry Little, of New Castle, Maine. Thomas was the eldest of their four children.

After mastering the preliminary branches, Thomas Drummond entered Bowdoin College, where he was graduated in 1830. Immediately after his graduation he began the study of law and was admitted to practice at the Philadelphia bar in March, 1833. Mr. Drummond soon gained recognition at that bar and entered upon a quite promising practice, which he handled with so much ability that his older colleagues predicted for him a brilliant future. In May, 1835, he determined to remove to Illinois, and soon established himself at Galena, where he gained a wide repute for the solidity of his attainments. During the fifteen years that he remained at that bar he was engaged in a large number of the most important cases tried in northern Illinois. He represented the Galena district in the Illinois legislature in 1840-41, and never thereafter occupied a political office.

Mr. Drummond was appointed judge of the United States district court of Illinois, in February, 1850, and held his first term of court in Springfield in June and in Chicago in July of the same year. When he was first called to the bench the labors of his position were considered arduous, but the rapid development of Chicago's marine interests, the large increase in patent litigation and the general extension of the commercial and material resources of the state caused an immense increase in the business of his court. Besides presiding in the district court, he sat as circuit judge in the transaction of nearly all the business of that court during the first ten years of his occupancy of the district bench, and in consequence his duties were onerous in the extreme.

Judge Drummond removed to Chicago in 1854. In 1855 the southern district of Illinois was organized, leaving the northern district as the original district, with Judge Drummond as the presiding judge, and over which he presided for fourteen years. December 22, 1869, President Grant appointed him judge of the circuit court of the United States for the seventh judicial district, comprising the states of Illinois, Wisconsin and Indiana. As circuit judge, he held court in three different places in Indiana, four in Wisconsin and two in Illinois, but the greater portion of his time was spent in Chicago, where the most important litigation of the northwest is concentrated.

The long and honorable judicial career of Judge Drummond was closed in 1884 by his voluntary retirement from the bench at the age of seventy-five. On his farm near Wheaton, a short distance from Chicago, he found needed relaxation, but his old associations drew him to his office in the federal building in Chicago almost daily.

No word of criticism or comment unfavorable to Judge Drummond was expressed during his long incumbency of the bench. He was too great a man and a jurist to depend for advancement on personal or partisan favor. Even amid

the tumults of the rebellion period he never permitted any political consideration to influence him. In early life a Whig, he was on the bench when the Republican party came into existence, and, though he upheld its principles to the end of his life, his political conviction was never made apparent in his conduct as a judge. He held the most exalted conception of the judicial office, and his constant aim was to dispense justice with the most religious regard to the rights of every interest involved. When he laid off the judicial robe, unspotted after wearing it more than a generation, it added luster to the high office to which it belonged, and his name took its place in the legal history of the west as that of one of its best and greatest characters.

Though interested in letters, art and science, Judge Drummond did not cultivate them with any ambition to shine through their mastery, but only so far as they might be helpful in elucidating or simplifying the philosophy or the application of the law. Perhaps a year before his death his infirmities compelled him to relinquish even the semblance of work. Although well advanced in his eighty-first year, he retained his faculties unclouded to his last hour, and his death occurred at his home at Wheaton, May 15, 1890. He was buried from St. James church, Chicago, four days later, and thousands of people came in all sincerity to pay their last tribute of respect to the honored dead. In religion Judge Drummond was an Episcopalian. He married, in 1839, Delia A. Sheldon, of Willow Springs, Wisconsin. They had two sons and five daughters.

Arthur Henry Chetlain was born in Galena, Illinois, in 1849, and is descended from a notable ancestry. His father, General Augustus L. Chetlain, is a Huguenot, of French-Swiss extraction, his parents having emigrated to America from the canton of Neufchatel, Switzerland, in 1821. They came by way of Hudson bay to the Red river of the Selkirk settlement of British America, thence to St. Louis, Missouri, in 1823, and in 1826 to the then celebrated lead mines at Galena, where the old homestead was founded. In that locality General Chetlain was reared and became the first commander of the regiment raised by General Grant. He participated in all the battles of his division in the war of the Rebellion, and when hostilities had ceased was brevetted major-general of volunteers. During President Grant's administration he was appointed United States consul to Brussels, Belgium. He was the founder and first president of the Chicago Home National Bank, and has been a prominent figure in business and military circles for years.

Reared in his native city, Judge Chetlain acquired his preliminary education in its public schools and then entered the University of Wisconsin, where, on the completion of a two-years course, he was graduated with the degree of Bachelor of Arts. In Brussels, Belgium, he completed the full course in natural science in the "Universite Libre" and won the degree of Bachelor of Science. After his graduation at that institution he served as a bearer of dispatches between the American legation of Paris, France, and the United States authorities in London, England, during the Franco-Prussian war.

Returning to his native land in February, 1871, Judge Chetlain took up the study of law in the office of William Lathrop, of Rockford, Illinois, and on



Arthur H. Brown



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period he never permitted any other consideration. As a Whig, he was on the bench when the bench came and, though he upheld its principles, his position was never made any more than a mere formality. He had a conception of the position of a judge that was in accordance with the most religious and moral of the duties that he felt of the judicial magistrate, and he was a judge in the true sense of the word, and he was a judge in the true sense of the word, and he was a judge in the true sense of the word.

He was a good and industrious man, science Judge, firm in his opinions, and a man of great influence and standing in the community. He was a very intelligent and energetic man, and was a great help to the community. He was a very intelligent and energetic man, and was a great help to the community. He was a very intelligent and energetic man, and was a great help to the community.

Arthur Henry Chetlam was born in Calera, Illinois, in 1840, and is descended from a family of soldiers. His father, General Augustus Chetlam, is a Huguenot of French-Swiss extraction, his parents having emigrated to America from the canton of Schwytz, Switzerland, in 1821, by the overland way of Hudson Bay to the head river of the Saskatchewan, thence to the Pacific, thence to St. Louis, Missouri, in 1823, and in 1826 came to the great lead mines at Genoa, where the old homestead was founded. The Chetlams by General Chetlam was reared, and became the first commander of the regiment raised by General Grant. He participated in the battles of Vicksburg, of Belmont, of the war of the Rebellion, and when hostilities ceased was retired as a general volunteer. During President Grant's administration he was appointed United States consul to Brussels, Belgium. He was founder and first president of the Chicago Home National Bank, and has been a prominent figure in business and military circles for years.

Trained in his native city, Judge Chelmin acquired his preliminary education in its public schools and then entered the University of Wisconsin, where, on the completion of a two-year course, he was graduated with the degree of Bachelor of Arts. In Brussels, Belgium, he completed the full course in jurisprudence in the "Universite Libre" and won the degree of Bachelor of Science. After his graduation at that institution, he served as a bearer of dispatches to the American legation of Paris, France, and the United States Legation in London, England, during the Franco-Prussian war.

Returning to his native land in February, 1871, Judge Chetlin took up the study of law in the office of William Lathrop, of Rockford, Illinois, and on



passing an examination before the supreme court of the state, June 20, 1873, was admitted to the bar. Not content, however, with this preparatory training, he returned to his parents' home in Chicago and continued his studies in the law office of Edward A. Small. In July, 1874, he formed a partnership with Stephen S. Gregory, which continued for five years, when it was consolidated with the firm of Tenney & Flower, this relationship being maintained until 1881, when Judge Chetlain was forced to withdraw on account of ill health. He then spent a year and a half in travel through the western states and Mexico for rest and recuperation, and in 1883 resumed practice in Chicago. His practice has covered a wide range, and in it he has traversed the entire domain of the law. While a member of the firm of Tenney & Flower he acquired a wide familiarity with commercial and contract law, and also with the law of private corporations. After his return to Chicago he was in general practice until the spring of 1891, when he was appointed by Mayor Washburne first assistant corporation counsel. In that capacity he was called upon to assume active charge of a vast amount of litigation of the most important character. He represented the city in much complicated litigation connected with the lake front in suits brought by the railroads to enjoin the opening of public streets across their tracks, and in many other cases involving the city's rights of property and the exercise of its powers of police. In these cases constitutional questions of great importance and difficulty were involved; he dealt with them exhaustively and ably and was generally successful.

Judge Chetlain speaks and reads French and has been counsel in Chicago for the French, Belgian and Turkish consulates. As a lawyer he has always been diligent, thorough and intelligent. In the preparation of his cases no mere superficial view contents him; he is not satisfied until he feels he has carefully considered every phase of the questions presented and given them the most thorough and conscientious examination of which he is capable. He does not jump at conclusions, but maintains those he has reached with vigor and tenacity.

Of studious habits and with the instincts and training of a scholar, he regards the law as a noble and reasonable science in which results are to be attained by logical and intellectual processes of reasoning. He does not ignore cases, but studies them patiently in the effort to grasp their underlying principles and then to make intelligent application of those principles to new questions. He does not, in dull and slavish effort to follow the letter of the law, miss its entire spirit and purpose,—that which alone makes it a living beneficent force in human society.

Of singularly fair and impartial mind, always courteous and considerate in his treatment of others, it was natural that he should be considered for the bench. In 1892 he was nominated by the Republican party for judge of the superior court, but went down to defeat with his ticket before the great tidal wave of Democratic success which rolled over the country that year. In 1893 he was again nominated for the same position and in November of that year was elected to fill out the unexpired term of Judge George H. Kettelle, who died during that

summer. Judge Chetlain was re-elected to the bench of the superior court of Cook county in November, 1898.

He has been a painstaking, diligent and conscientious judge and has earned and commands the confidence, respect and regard of the bar and the esteem of the community. His fairness, justness and universal courtesy and urbanity are recognized and appreciated by all who practice before him. An incident in a local *causé célèbre* which occurred early in his judicial career shows that he is not wanting in that sterner stuff which judicial duty sometimes requires. Prendergast, who killed Mayor Carter H. Harrison in October, 1893, had been tried for his crime, had interposed insanity as a defense, had been convicted and sentenced to death. The supreme court had denied him a *supersedeas*. The afternoon of the day before that set for his execution, his counsel, having applied to various other judges to hear such an application, finally appeared before Judge Chetlain, then sitting in the criminal court, for a trial as to the prisoner's sanity upon affidavit that he had become insane since sentence; and in order to give time for such trial moved for a judicial reprieve or postponement of the execution. The state's attorney appeared, conceded in open court that the prisoner was entitled to a trial by jury under the statute, but insisted that it proceed at once. After some discussion the court took a recess until eight o'clock that evening. On coming in at that hour he held that notwithstanding this admission of the state he was not satisfied that a *prima facie* case had been made under the statute, but would hear evidence as to whether the affidavit was true. Three disinterested witnesses were accordingly sworn whose testimony tended to sustain the allegations of the affidavit which had been sworn to by the prisoner's brother, and the court then held the prisoner was entitled to a trial on the issue thus raised. The state denied the power of the court to postpone the execution. In the midst of the discussion the news came that the executive had refused a reprieve. The argument proceeded until nearly midnight. The court-room was crowded to suffocation and a great concourse gathered in the street, attracted by the strange battle for a human life that hung by so slight a thread. The proposition was plain; the prisoner was entitled to a trial, the power of the court to postpone the execution for the purposes of such a trial was plenary and was demonstrated by the argument. But judges are but men; and the entire community seemed to demand the immediate execution of this wretched man. Most judges would have gone with the tide; not so Judge Chetlain. Considering the questions presented calmly as if seeking the solution of an intellectual problem he saw clearly that the prisoner was, as indeed the state conceded, entitled to this trial; that it could not be conducted decently in the few hours intervening before the time set for the execution, and that his power to postpone the execution was undoubted. He dared to do his duty; and, just before the day set for the execution began, in such an atmosphere of suppressed excitement as rarely exists in a court-room, even in a capital case, he entered an order for such a trial and postponed the execution for two weeks. This was a thing unprecedented in this state and almost unheard of in modern criminal jurisprudence. It was severely criticised by the press and the un-

thinking generally; but it has passed into precedent and is now recognized admissible and proper procedure in this county and elsewhere in this state and has been followed in several instances.

In the Dreyer case Judge Chetlain refused to hold that public moneys in the hands of a treasurer became absolutely his if he paid or agreed to pay interest thereon under the statute, and accordingly refused the motion to quash the indictments in that case. Since this ruling Dreyer has been tried, convicted and sentenced before another judge, who followed the law as laid down by Judge Chetlain.

Judge Chetlain is not connected with any church, though he is a man not only of high principle but of much genuine religious feeling. He has always been a Republican, active and influential in the councils of his party, president of the Marquette Club, and February 12, 1896, at the great dinner given by that organization to William McKinley, prior to his nomination for the presidency, Judge Chetlain was the member of the club chosen to represent it among the speakers of the evening. He is not a partisan on the bench, and his political sentiments never color his judicial conduct. He is married, has an interesting family of five children, and resides in the north division of the city of Chicago, of which he has been a resident for twenty-five years.

Hiram T. Gilbert, of Chicago, is a native of Illinois, his birth having occurred in Troy Grove, La Salle county, on the 9th of May, 1850. His parents were Dr. Alson I. and Mary C. Gilbert. He was graduated in the high school in Ottawa, Illinois, with the class of 1869, and immediately afterward entered Cornell University, where he studied for two years. In 1871 he went abroad, and from August of that year until December, 1873, was a student in the University of Leipsic, Germany. While in that institution he devoted his energies to the mastery of the principles of jurisprudence, and after his return to his native land continued his law studies in Ottawa, Illinois, until September, 1875, when he was admitted to the bar.

Immediately afterward Mr. Gilbert opened a law office in Ottawa, where he remained in active practice until May, 1888, when he came to Chicago, and as a member of the firm of Gilbert & Fell is now at the head of a good business. He is now engaged in general practice and has a representative clientage.

In 1877 Mr. Gilbert married Miss Georgiana Leland, of Ottawa, Illinois. He is a member of several social organizations, including the Iroquois, Chicago and Hyde Park Clubs and the Athletic Association.

Jesse Cox, of the Chicago bar, was born in Burlington, New Jersey, on the 29th of October, 1843. The following year his parents moved to Philadelphia, where he was educated in private schools and under the instruction of a private tutor, receiving a thorough classical training. As he approached his majority, his tastes turned toward the law as a life work, and he began preparation for that profession in Philadelphia, in January, 1862, in the office of George M. Wharton, one of the old-time lawyers of the Pennsylvania metropolis. Mr. Cox also attended a course of law lectures in the University of Pennsylvania, and was admitted to the bar in December, 1865. For seven years

thereafter he engaged in practice in Philadelphia, and on the 1st of January, 1873, came to Chicago.

For a quarter of a century he has been connected with the bar of this city and has won distinguished honors and a most gratifying success. For twenty-one years he has occupied a suite of rooms in the Staats Zeitung Building and from that point has conducted an extensive and important law business, which for the most part has been of a general nature; but for some nine years, from 1878 until 1887, he made a specialty of patent-law practice. He has always been a close and earnest student of law principles, and his knowledge of the science of jurisprudence is comprehensive and accurate. His devotion to his clients' interests is proverbial, yet he never forgets that he owes a higher allegiance to the majesty of the law and will not stoop to any unworthy means to gain his cause. Close study and diligent research, however, enable him to fortify his position with many facts and points in law unfamiliar to the majority of practitioners, and therefore he seldom loses in any litigation.

One of the most important cases with which Mr. Cox has been connected is that of the People *ex rel.* Hugh Maher versus Erastus Williams. The defendant, Judge Williams, had been on the bench for many years and was a very able and learned jurist. A case had been tried before him in which the parties were Hugh Maher, a large land-owner and board-of-trade man, and Charles B. Farwell, a prominent dry-goods merchant and member of the firm of John V. Farwell & Company, of Chicago. Maher alleged that an eighty-acre tract of valuable land near Riverside in Cook county was conveyed by him to Farwell to secure the payment of money lost by him to Farwell in gambling. Farwell alleged that the land had been conveyed to him in part payment of an election bet made between Maher and Farwell on the election of Lincoln. After the trial of the case, in which Maher was defeated, Judge Williams refused to sign a certificate of the evidence to the supreme court so that Maher could take an appeal from his decision. The Judge alleged various reasons for his refusal. Maher then filed a petition in the supreme court for a writ of mandamus to compel Judge Williams to sign the certificate of evidence, and the writ prayed for was granted. This case attracted widespread attention at the time, owing to the prominence of the parties and the nature of the case. This was the second time in the history of the state that a judge had been ordered by the supreme court to sign such a document, and in the other case the judge resigned rather than obey the order of the supreme court. Reported in 91st Illinois, page 87.

Mr. Cox was married in October, 1869, to Miss Annie Malcom, of Philadelphia, a daughter of Rev. Howard Malcom, who was for many years a prominent minister of the Baptist church, and was at one time president of the Georgetown (Kentucky) College, and later of the University of Lewisburg, Pennsylvania.

Judge Abner Smith.—Is there anything in life so comprehensive, so complex, so intricate, so beautiful in its theory, so protective in its power as the law? It is the foundation upon which all society and its manifold interests

rest. It is the growth not of years or centuries, but of ages. At the creation there seems to have been implanted in the breast of man a certain love of justice,—an idea extremely crude in the beginning, but gradually developing and expanding as the years have passed, until the grosser ideas have been eliminated and it gains more of the perfection and purity of the ideal. Justice at first seemed to embody force,—the survival of the strongest,—power was its chief element and right depended upon might. Gradually, as civilization has transformed the world and nature's plans and purposes have been more fully comprehended by man, it has been found that provision has been made for the protection of the weak against the strong, and that life is carefully guarded. The same immutable laws that apply to plant and animal life hold in regard to the highest order of creation,—man; and as people have awakened to a comprehension of this fact, law, in its bearing on the rights, privileges and protection of the individual, has undergone a change that has wrought a safeguard against the incursion of wrong, oppression, abuse, injustice and all the evils that would crush the powers and liberty of an individual; and at the same time it has tempered justice with mercy, so that the hope of reform may follow the expiation of the transgression.

Again, as progress has multiplied demand, and demand has given rise to a multiplicity of interests in all the lines of individual and united effort, the occasion has compelled the formation of new laws applicable to these various interests,—each law plain, simple and arbitrary in itself, yet the whole forming an intricate and complicated system of jurisprudence that demands on the part of those who would gain distinction and success at the bar strong mentality, sound judgment, keen discrimination, acute analytical power and the ability to present a clear and forcible arrangement of fact, added to an accurate and extensive knowledge of law. But when the lawyer would essay to administer that justice which is the inherent prerogative of every individual, he must add to his qualities as a lawyer a self-control that will enable him to lose his individuality, his personal feelings, his prejudices and his peculiarities of disposition in the dignity, impartiality and equity of the office to which life, property, right and liberty must look for protection.

We are led to this train of reflection in contemplating the life and work of Judge Smith. On a bench which is by no means without distinction, he is a leading and commanding figure, and the high place he has won for himself in the estimation of the people is fully deserved. He has a fine address and is a concise and forcible speaker, and his career has been as brilliant as successful. He is now serving his second term on the circuit bench, re-elected on a non-partisan ticket, which took into account no political affiliations, but regarded only the ability, honesty and fitness of the nominees. A distinguished member of the legal profession, he demonstrated in his first term his peculiar aptitude for the important duties of the office, and gained distinctive honors in the high encomiums which were passed upon him by the profession, the press and the public.

A native of the old Bay state, Abner Smith was born in Orange, on the

4th of August, 1843, his parents being Humphrey and Sophronia (Ward) Smith, the former a native of Warwick, Massachusetts, and the latter of Orange, that state. In colonial days the Smith family was implanted on American soil and the Ward family is no less distinguished for its early connection with the events which form the annals of our country in the beginning. Authentic records show that the Ward family has furnished many brilliant representatives of those callings which demand superior mental attainments, and the name has long had an honorable connection with the bench and bar, the pulpit, the law-making bodies of the country and with science and letters. As early as 1639 William Ward, emigrating from England, took up his residence in Sudbury, Massachusetts, and an eastern chronicler in speaking of his descendants says: "The collateral branches of the different generations which have passed away and the many which still live have been and are uniformly substantial and upright people, whose careers are intensely interesting to the student of to-day, since their fame lives in history and their deeds are chronicled in story. The numerous family lines of subsequent offspring have spread over the length and breadth of the country, and have been an honor and a credit to so excellent a family."

Thus from an honorable ancestry Judge Smith is descended. About 1860 his parents removed from his native town to Middlebury, Vermont, in order to provide their children with better educational privileges, and in the public schools of that place their son Abner pursued his studies until he had gained a proficiency that enabled him to pass the examinations necessary for entrance into the college of Middlebury, in which institution he was graduated with honors, in the year 1866. He made the best use of his time, and it is worth while to be wise in the use of time, for it is with time that we purchase everything that life has of good. He was a close and earnest student, and a marked element of his student life was his investigation concerning the cause of all things,—a characteristic which has been a strong force in his professional career. A view over the field of business life determined him to prepare for the bar, and with this purpose ever before him he took up the practical daily duties. As a step toward the goal which he determined to ultimately gain, he taught school, and for five years had charge of the Newton Academy, at Shoreham, Vermont, his ability in the position being indicated by his long continued service.

Since 1867 Judge Smith has been identified with the interests of Chicago, joining his parents, who had located here in 1862. Now came to him the desired opportunity of preparing for the bar, and he hastened to take advantage of the same by becoming a student in the law office of James L. Stark, one of the native sons of Vermont and a descendant of the renowned Colonel Stark, who went to the aid of our subject's ancestor, Major General Ward, at the outbreak of the war of the Revolution. He soon mastered the fundamental principles of law and advanced rapidly in his understanding of the more intricate passages of jurisprudence until, in 1868, the supreme court of the state declared his fitness for a place in the ranks of the legal practitioners of Illinois, and he became associated with the bar of Chicago, with which he has since been connected. He entered into partnership with his former preceptor, under the



Alfred L.



firm name of Stark & Smith, and thus practiced until the death of Mr. Stark, in 1873, when he settled up his partner's estate and succeeded to the legal business of the firm. He was then alone until 1887, when he formed a professional alliance with John M. H. Burgett, the firm of Smith & Burgett holding distinctive priority among the legal associations of the city for a full decade. After the expiration of this time Judge Smith for the most part conducted an individual practice until his election to the bench,—the notable success which his is, and the high honors which have been conferred, standing in the most patent evidence of his ability and of his sterling integrity. He is especially fitted for the law, for he is pre-eminently just by nature, and this led him to refuse in his practice to undertake the trial of many a cause whose justice he had reason to doubt. In his practice he had little of the wearisome experience of the novitiate, for success came to him soon. The legal business of several corporations has been entrusted to his care. He was for some time attorney for the National Life Insurance Company, of Vermont, and the Life Indemnity & Investment Company, of Iowa, now the Iowa Life Insurance Company, being at present a member of the directorate of the latter. He was at one time a director of the North Star Construction Company, which built the Duluth & Winnipeg Railroad and which is still operating that line. He has accumulated a handsome fortune, has quite extensive real-estate interests and is identified with various important corporations as a stockholder, in which connection it may be noted that he is treasurer of the Anderson & Freeman Ice Company. However, the greater part of his time and attention has been given to his law business. He has been connected with much of the important litigation in the courts during his connection with the Chicago bar, and many clients have had their business interests in his hands for years,—in matters of trusts, unsettled estates, guardianship, etc.,—thus showing how implicit confidence is placed in his ability and fidelity.

It is not strange that a man of such absolute fearlessness and honesty as Judge Smith should be called to judicial office, and thus it was that in the fall of 1893 he was elected to the circuit bench. He had always given free expression to his advocacy of the principles of the Republican party, but up to that time had steadily refused to become a candidate for office. Yielding then to the importunities of the party leaders and his many admirers, he allowed his name to be placed on the ticket, and was triumphantly elected, receiving a majority second to only one other. For almost four years he sat upon the bench, discharging his duties with a dignity and impartiality that won him the high approval of the profession and the public. Then came another election,—one unique in the history of the city. Men of broad mind and liberal thought came to the front, announcing their determination to support a non-partisan ticket. Politics has naught to do with the administration of justice, and those who would make the election one of party interest were not worthy the right of franchise,—so reasoned those leaders who advocated the non-partisan ticket. At the time there was one supreme-court judge, one judge of the superior court and fourteen circuit judges to be elected. Of the circuit judges eight were

Republicans and six were Democrats, and all were men tried and true in the office,—men whose merit, ability and trustworthiness had been shown by years of faithful service. The Republican central committee placed the names of these men, Abner Smith, O. H. Horton, Elbridge Hanecy, Edmund W. Burke, A. N. Waterman, C. G. Neely, R. S. Tuthill, John Gibbons (Republicans), Francis Adams, Frank Baker, M. F. Tuley, E. F. Dunne, R. W. Clifford and Thomas Windes (Democrats), on their ticket, together with those of Judge Theodore Brentano, of the superior court, and Judge B. D. Magruder, of the supreme court, for the respective offices in which they were the incumbents. This conservative and rational course at once won the endorsement of the majority of members of the bar. Ex-Judge S. P. McConnell, well known as one of the most stalwart Democrats of the city, endorsed and worked for the ticket and was made chairman of the nonpartisan committee. It was decided that the candidates should take no active part in the campaign work, lest they, as adherents of one or the other of the old parties, should seem to labor for party ends. Other tickets were placed in the field until there were eight. The two wings of the Democracy each had one, and the Republican League, wishing to make the contest a party measure, made up a ticket of Republicans, but when the question of which list of candidates should be placed on the official ballot as the ticket of the Republican party came up, the county board of review, in an oral opinion given by Judge Carter, decided that the "Republican nonpartisan" ticket, as formulated by the central committee, was the real representative of the party. A similar decision was rendered in regard to one of the Democratic tickets, and in an editorial the Chicago Tribune wrote: "Happily, as election day approaches, the entire drift is toward the popular endorsement of the wise and conservative course of the Republican managers." The nonpartisan ticket received the support of almost the entire press in the circuit, and the result of the election is now a matter of history. The men who had administered justice capably, honestly and fearlessly were continued in office, elected by a very large majority. It was a compliment to personal worth, without regard to party affiliations, and the judiciary of the circuit court to-day is one of which any state in the Union might well be proud.

Thus Judge Smith was a second time triumphantly chosen to wear the ermine, and on the bench has won a reputation that has added new laurels to his successes before the bar. A contemporary writer said of him: "As a judge his acts are strong and full of breadth, accuracy and force. In sound judgment, in patient industry, in clear conception of the spirit and scope of jurisprudence, and intuitive perception of right, Judge Smith ranks high in the estimate of bench, bar and public. Since jurisprudence is the foundation of the commonwealth and indispensable to its growth, purity and advance, it is well that such judges represent and interpret it."

Turning from the public to the private life of Judge Smith, we find that he laid the foundation for a happy home by his marriage, October, 5, 1859, to Miss Ada C. Smith, a daughter of Sereno Smith, of Shoreham, Vermont. They became the parents of one child, Ferris S., who died in June, 1875. Their home

has long been the center of a cultured society circle, and their pleasant residence, at No. 15 Aldine Square, where they have lived for twenty-two years, is a favorite resort with their large circle of friends. They are thoroughly acquainted with all that is best in general literature, and for the higher forms of art have a keen appreciation. The Judge is a valued member of various social organizations, being thus connected with the Union League, the Carlton Club and the Douglas Club, having been one of the organizers of the last named. His manner is ever kindly and courteous and his friendship is greatly to be prized. No personal successes have ever effaced from his memory the friends of his earlier years. He has risen with rapid stride to an eminent station, but his hands have ever been down-stretched to help those who would follow. His life has been truly one of usefulness and honor, and an honest man is the noblest work of God.

C. Porter Johnson is a native son of Illinois, having been born in State Line, on the 15th of August, 1866, the son of Joseph Simpson Johnson and Matilda (Kemper) Johnson, the former a native of Kentucky and the latter of Virginia. Our subject was reared to the sturdy discipline of the farm, remaining on the parental homestead until about eighteen years of age, and in the meanwhile availing himself of the educational advantages afforded by the common schools. Later he supplemented this discipline by attending Lee's Academy, at Loxa, Illinois, where he remained for two years, after which, in 1885, he went to Terre Haute, Indiana, for the purpose of preparing himself for the practice of that profession which he had determined to make his vocation of life. There he entered vigorously upon the study of law; and that his capacity and predilection were not mistaken is shown in the fact that he secured admission to the bar of Indiana within the following year.

Mr. Johnson's ambition was one of courage and action and he had firmly determined to occupy no middle ground in directing his efforts to the goal of the greatest possible measure of success. Accordingly, in 1887 the young barrister came to Chicago for the purpose of engaging in practice here, taking thus an initiative from which the average young man would have flinched or have deemed presumptuous. He secured admission to the Illinois bar within the same year, and by industry and consecutive application was soon enabled to build up a satisfactory practice, which has steadily increased until he is now a busy man, retaining a clientage of representative order. He confines his practice principally to civil cases, in which he has a large range.

Mr. Johnson soon impressed his individuality and his ability upon the minds of the public, as is shown in the distinguished recognition accorded him in November, 1892, when he was elected to the state senate, from the second senatorial district of Illinois. There is additional significance attaching to this preferment, from the fact that he was the first Democrat elected to that body from the second district—thus strikingly attesting his popularity among his fellow citizens of all classes. In the summer of 1898 he received the nomination of his party for congress, but was defeated at the polls in November.

His social relations are indicated by his membership in fraternal societies and

clubs composed of men of the highest character. His name is inscribed on the roll of the Iroquois, the Waubensee, the Harvard and the Whitechapel Clubs. He is prominently identified with the Masonic order, being connected with all bodies of the same from the blue lodge to the Oriental Consistory of the Ancient and Accepted Scottish Rite, having thus far advanced to the thirty-second degree. As a Knight Templar he is identified with the Chevalier Bayard Commandery, and he is a Noble of Medinah Temple of the Mystic Shrine. Mr. Johnson also holds membership in the Independent Order of Odd Fellows, the Knights of Pythias, the Royal Arcanum, the Independent Order of Foresters and the Benevolent and Protective Order of Elks.

In his religious views Mr. Johnson is an adherent of the Baptist church, and with his family finds a church home in the Baptist church in Englewood, being also a liberal contributor to its collateral charities and benevolent enterprises, as he is to every worthy object in which his sympathies or aid are enlisted. He is democratic in the best sense of the term, is easily accessible to all classes, believing that personal worth, not adventitious circumstances, makes the man. In his law practice he has gained an excellent reputation as an industrious, painstaking and capable attorney, systematic in his work and conscientious in serving his clients.

On the 21st of August, 1889, was consummated the marriage of our subject to Miss Derelle West, of Georgetown, Illinois.

Clarence A. Knight.—Illinois has always been distinguished for the high rank of her bench and bar. Perhaps none of the newer states can justly boast of abler jurists or attorneys, and Chicago—the city marvelous—claims her proportionate share of those who have attained eminence in this most exacting of all the professions. In Mr. Knight we find united many of the rare qualities which go to make up the successful lawyer. He has in a high degree that rare ability of saying in a convincing way the right thing at the right time. His mind is analytical, logical and inductive. With a thorough and comprehensive knowledge of the fundamental principles of law, he combines a familiarity with statutory law and a sober, clear judgment which makes him a formidable adversary. He ranks to-day among the most brilliant and successful members of the Chicago bar and his law practice has become one of the most extensive in the city.

Mr. Knight is a native of McHenry county, Illinois, born October 25, 1853. His preliminary education, acquired in the common schools, was supplemented by a course in the Normal School of Cook county, where he was fitted for teaching, a profession which he followed for several terms. In April, 1872, he came to Chicago, where he took up the study of law, and in 1874 he was admitted to the bar before the supreme court of Illinois, at Ottawa. Throughout his professional career he has been a resident of Chicago, and in this city with its many able jurists he has won an honorable position, steadily advancing by merit and commendable effort to a place in the front ranks of the representatives of the law. In 1879 he was appointed assistant city attorney by Hon. Julius S. Grinnell, and five years later, upon Mr. Grinnell's election as state's attorney, Mayor

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Harrison appointed Mr. Knight city attorney. He was afterward made corporation counsel under Mayor Roche. During the ten years of connection with the city law department a vast amount of important business was transacted. One of the many measures of great moment to the people was that annexing Hyde Park to Chicago. The original act was declared unconstitutional by the supreme court. Mr. Knight prepared an act to cover the case, and it was passed by the legislature in 1889. Under the provisions of this law, in June of that year Hyde Park, Lake View, Jefferson, the town of Lake and portions of Cicero were annexed to Chicago.

In July, 1889, after ten years' continuous practice in the law department of the city, he resigned to engage in private practice and entered into partnership with Paul Brown, under the firm style of Knight & Brown. In 1893 Mr. Knight was appointed general counsel for the Lake Street Elevated Railroad Company. In April, 1898, he was appointed general counsel for the Union Elevated Railroad Company, Northwestern Elevated Railroad and all the surface electric street railways connecting with the North and West Chicago Street Railway Companies. He conducted the litigation on behalf of the Union Elevated Railroad Company, in the litigation concerning the right to build a "loop" elevated railroad on Lake and Van Buren streets and Wabash and Fifth avenues. His clientage is of a distinctively representative character and is very extensive. During the past fifteen years he has been connected with much of the important litigation that has been heard in the courts of this city, and in every department of the law he handles his interests with masterly skill. He possesses tireless industry, remarkable acumen and is fertile in resources. His success, measured by the extent and importance of his law practice, as well as by his financial returns, is very gratifying.

In 1877 Mr. Knight married Miss Dell Brown, a daughter of Dr. T. D. Brown, of McHenry, Illinois, and they have two children,—Bessie and James. Mr. Knight has long been a member of the Masonic fraternity, and is a Knight Templar of Chevalier Bayard Commandery. He also belongs to the Royal League and Independent Order of Foresters.

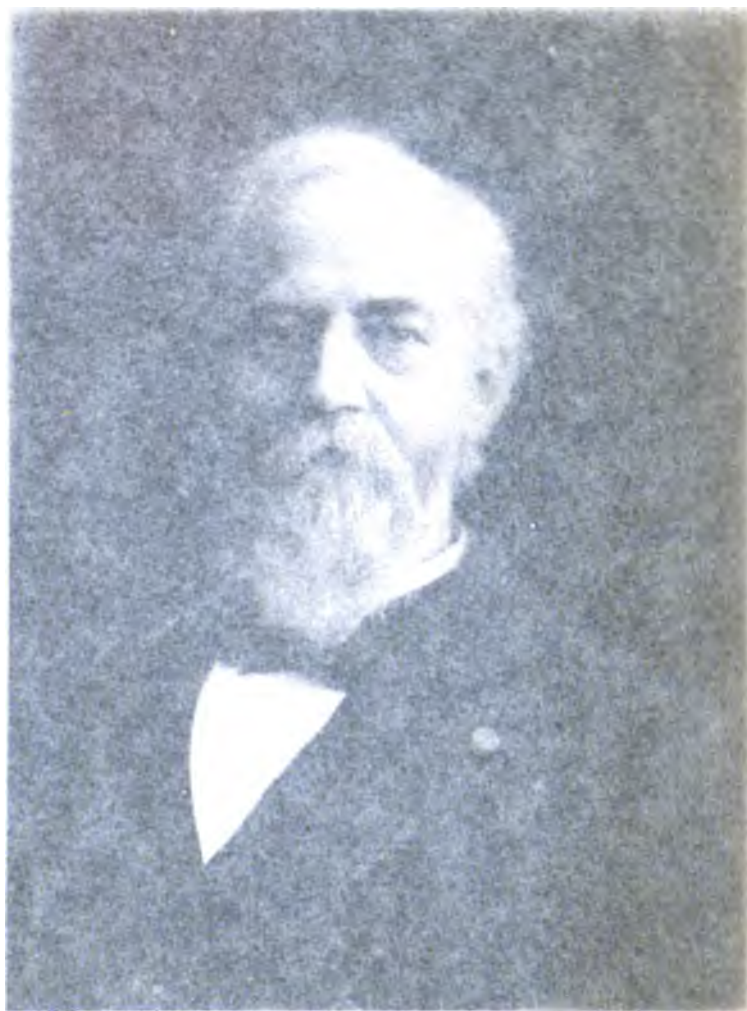
Henry S. Towle, a member of the firm of Offield, Towle & Linthicum, has long been prominently identified with one of the most important branches of the law practice. He was born October 10, 1842, in Mishawaka, Indiana. His father, Gilman Towle, was an honored citizen of that state and was widely and favorably known. He married a Miss Beekman, and both trace their ancestry to patriots of the American Revolution.

Henry Sargent Towle acquired his primary education in Mishawaka, Indiana, being in attendance at the high school at that place when the country came involved in civil war. He made several efforts to secure admission to the volunteer service of the government, but was prevented by ill health. Being unwilling to entirely forego any service for the assistance of the government, he became connected with a sanitary expedition which was organized under the direction of Governor Morton for the relief of Indiana soldiers in the field. This first took him to the battle-ground of Shiloh, and later to other places.

Mr. Towle subsequently entered upon a collegiate course at Valparaiso, Indiana, and prepared for the legal profession by attending at the University of Michigan, being a graduate of the law department of that institution. He came to Chicago to enter upon the practice of law, and in the early years of his residence here was connected with the law firms of Arrington & Dent and Goodwin & Larned. He became permanently associated with the firm last mentioned, having been admitted as a partner in 1869, under the firm name of Goodwin, Larned & Towle. His association with this firm initiated him into what became a specialty, which he has steadily pursued, his business for many years past having had relation principally to patents, trademarks and copyrights, including litigation incident thereto. Mr. Towle, however, for a number of years was connected with practice in other lines to some considerable extent. On the retirement of Mr. Larned and the admission of Mr. Charles K. Offield as a partner in 1874, the firm of Goodwin, Offield & Towle almost entirely gave up general practice and gave attention only to the specialties before mentioned. On the death of Mr. Goodwin, the other two partners continued their business relations, and more recently have been joined by Mr. Charles C. Linthicum, in the organization of the present firm of Offield, Towle & Linthicum.

The long association of Messrs. Offield & Towle indicates congeniality and an agreeable division of labor, in which Mr. Towle has been highly successful and proficient, besides manifesting ability and business qualities, as well as a character for integrity and rectitude, which have deservedly brought him into high esteem and prominence. He has taken a prominent part in building up the large practice of his firm. As a lawyer he is industrious and able, and enjoys the respect and confidence of his associates at the bar. The practice of his firm in their special lines of litigation, in the federal courts, extends from Boston to San Francisco, and their clients represent many of the most prominent interests which depend upon protection under patents and trademarks, thus bringing his firm for years into numerous important suits involving patent and trademark property.

While the extensive practice of the firm has engrossed his close attention and has brought him, as well as the other members of his firm, a wide acquaintance with business men and affairs, he has all the while manifested a deep interest in educational and philanthropic work, as well as in other matters of public interest. He has always retained his interest in the University of Michigan, having served as president of the Chicago Alumni Association of this university. He has been a trustee of the Northwestern University for over twenty years; was one of the trustees of the Union College of Law when it was a joint department of the old Chicago University and of the Northwestern University. He has been a factor in the management of the same law school since it has been entirely under the control of the Northwestern University. Mr. Towle has taken special interest in elevating the standard of legal education in Chicago, and has served as chairman of the committee of the trustees of the Northwestern University having charge of the Law School, formerly the Union College of Law. The cause of education has had a no more earnest advocate in Chicago than the



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subject of this sketch, who has not only for years urged a higher standard for admission to the bar, but has also worked earnestly in endeavoring to secure for our city the advantages of the most thorough instruction in all departments of university work.

He has given special attention to the work of the Chicago Home Missionary and Church Extension Society, with which he has been connected as a trustee and as an officer for many years. He has long been identified with the Methodist Episcopal church, and has been active in various departments of church work. He holds a membership in the Chicago Bar Association, in connection with which association he has served as president. He holds a membership in the Illinois State Bar Association and the American Bar Association, and is a valued member of the Union League Club, as well as the Hamilton and several other clubs and social organizations.

Mr. Towle was married in 1868 to a daughter of Robert F. Queal, of Evanston, Illinois. Her death occurred in 1881, and in 1884 he married Miss Sarah A. Meacham, of Oak Park, Illinois, at which place Mr. and Mrs. Towle now reside. He is most highly esteemed in all relations of life as a man of probity, trustworthiness and capability.

William P. Black.—Progress ever indicates effort; only retrogression follows inertia. Purpose, determination, strength and energy ever lie back of accomplishment, and that which is gained without effort is regarded as worthless. "Honor and fame from no condition rise," sang the poet; they come as the crown of unceasing, noble labor, and the truly famous men of the land are those whose character is above question, and whose mental attainments are of a very brilliant order. Both qualities are indispensable to real fame, and when we say that Captain W. P. Black is to-day numbered among the famous men of the nation it is at once understood that his eminent position results from such causes. One act alone in his life entitled him to rank among the famous men of America, and that was his defense of the anarchists in 1886. In the face of the strongest opposition of old-time friends, the profession and public opinion, he undertook to plead for the lives of men whose sentiments differed radically from his own, but who, as human beings, deserved all the protection that law could give. Life and property would be valueless if this right of defense were denied to the individual through popular feeling; for it is a matter of history that the populace has been often found on the wrong side; and thus as a matter of principle, and with a nobleness that led him to put aside all personal feeling, Captain Black stood for the defense of those few men when the bitterness of public feeling not only threatened to engulf them but to bring disaster upon all who might in any way be associated with them. Viewed in the calmer light of the present, his action seems heroic, yet it was without a thought of self-aggrandizement that Captain Black undertook the management of a case that brought him renown not only on this side the Atlantic but also in foreign lands.

The early life of Captain Black passed quietly and uneventfully. A native of Kentucky, he was born in Woodford county, in 1842, and is of Scotch-Irish lineage, claiming among his ancestors those who fought for the independence of

the nation in the memorable period between 1776 and 1783. From South Carolina, where the first settlement was made, the family removed to Westmoreland county, Pennsylvania. Rev. John Black, one of the earliest representatives in the Keystone state, was a minister of the Presbyterian church, and his son and great-grandson also followed the same calling. The latter, Rev. John Black, D. D., was the father of Captain William P. Black. At the time of his father's death our subject was but five years of age, and with his mother he soon afterward removed to Danville, Illinois, where his boyhood days were passed. Of a studious nature he laid a substantial educational foundation in the English branches, acquired a good knowledge of literature and later entered Wabash College, at Crawfordsville, Indiana, where his collegiate career was marked by close application and high standing. His social qualities made him a favorite with the pupils, while his excellent scholarship won him the respect and admiration of his preceptors.

While engaged in pursuing his education, the south attempted secession and with all the ardor and patriotism of his nature he espoused the Union cause. Hardly had the smoke from Fort Sumter's guns cleared away, when with forty of his fellow students, including his only brother, John Charles, who rose to the rank of general, he joined Company I of the Eleventh Indiana Zouaves, commanded by Colonel, afterward General, Lew Wallace. He joined the "boys in blue" April 15, 1861, as a private, and on the expiration of the three-months term was mustered out as a corporal. In the meantime it was seen that the war was to be no holiday affair, that both sides were determined to win the victory, and President Lincoln had issued his call for three-years men. Corporal Black then at once assisted in recruiting a company in Vermilion county, Illinois, and was elected its captain. These troops were mustered in at Chicago as Company K, Thirty-seventh Illinois Infantry, known as the Fremont Rifles, and thus before he had reached his nineteenth birthday Captain Black went to the front at the head of one hundred men to valiantly battle for the preservation of the Union. He retained the command of his company until he was duly mustered out of service, on the 30th of September, 1864, participating in all the engagements of his regiment. At the siege of Vicksburg he held the responsible and dangerous position of brigade picket officer, having charge of the rifle pits of his brigade, and demonstrated that he possessed that high courage which would be implicitly relied upon and put to any test.

The year following his return from the war Captain Black spent in the office of the provost marshal of the seventh Illinois congressional district, in Danville. He has been identified with the interests of Chicago since the autumn of 1865, when he became a law student in the office of Arrington & Dent, a well known law firm of the city. After his admission to the bar he practiced for a year in Danville, and then, returning to Chicago, formed a partnership with Thomas Dent, his former preceptor. This connection was continued until Captain Black withdrew in order to undertake the defense of the anarchists.

His reputation as a lawyer is second to none. During the greater part of his professional career he has devoted his energies to civil law and has demonstrated

his power to handle its intricate problems with masterly skill. He is remarkable among lawyers for the wide research and provident care with which he prepares his cases. In no case has his reading ever been confined to the limitations of the question at issue; it has gone beyond and compassed every contingency and planned for the defense against every possible attack. His logical grasp of facts and principles and of the law applicable to them has been another potent element in his success, and a remarkable clearness of expression, an adequate and precise diction, which enable him to make others understand not only the salient points of his argument but also his every fine gradation of meaning, may be accounted among his most conspicuous gifts and accomplishments.

In civil law he had a very extensive clientage, and was doing a very profitable business when the friends of the anarchists besought him to undertake their case. After listening with characteristic courtesy to their request, he informed them that he was not a criminal lawyer and advised them to apply to some of his colleagues at the bar who made a specialty of that branch of practice. The reply to this was that these lawyers had already been conferred with and had refused to engage in a service which they feared would jeopardize their standing as citizens and members of a community intensely hostile to the men who were to be placed on trial. The friends of the anarchists appealed to Captain Black's love of justice, his sense of fairness, and his regard for the right of fair and impartial trial by jury, and at last wrung from him the promise that he would aid them to secure such counsel as would insure an able defense of the accused men. He then tried hard, but was unable to succeed in persuading any of the successful criminal lawyers of the city to take hold of the case. It had in the meantime become clear to him that the men charged with the "Haymarket murder" were in danger of being sacrificed for want of adequate defense. This was something which his sense of duty would not permit him to look upon with indifference. Whether or not the accused persons were guilty as charged, was a question not to be decided in advance of trial and the hearing of the evidence. He felt it to be the duty of some member of the bar to defend them with all the zeal and ability at his command, and his chivalric nature would not allow him to shrink from a discharge of that duty, because of consequences which might be unpleasant or even disastrous to himself.

The history of the trial is too well known to need recounting here. As Captain Black studied the case he became more and more convinced that the men were innocent of the specific crime with which they were charged,—murder. He had no sympathy with their anarchistic sentiments,—for there is no more loyal American citizen in Chicago,—but he defended the men against punishment for the crime with which they were charged with all the strength of his nature. However, from the beginning it seemed a foregone conclusion that the men would hang,—the public wanted and demanded their punishment for what they had spoken or written rather than for the killing of the policemen; it was anarchy rather than murder for which they were tried. From the judgment of the criminal court Captain Black appealed to the supreme court of Illinois, then to the supreme court of the United States, and failing in both instances to gain a



reversal, sought executive clemency, thus doing all in his power, as every honorable lawyer who undertakes a case should do, to save his clients.

A fair estimate of the noble character of the service which Captain Black rendered in this connection is summed up in the following extract from an address delivered by Judge Tuley before the Young Lawyers' Bar Association. He said :

"No true lawyer follows his profession solely for the money that is to be made out of it; and the brightest and most cherished recollections of a lawyer are those where without fee or hope of reward he has protected the weak against the strong, the ignorant and lowly against the aggressions of the rich and powerful, or when he has reached out his helping hand to stand by the friendless and forsaken. In the history of our profession, there is no brighter chapter or one that casts more glory upon our profession than that which recounts how the four sergeants of the English bar, at the peril of their lives, stood by and defended King Charles the First, when on trial for his life on the charge of treason.

"Sometimes occasions arise when it is the duty of the true lawyer to sacrifice himself upon the altar of his profession. I cannot refrain from mentioning an incident within my own knowledge, and which I have never before related, where a member of the bar rose equal to a great occasion and made this sacrifice upon the altar of duty. This lawyer, whom I had known for many years, called on me in my chambers one day before the trial of the anarchists and at a time when the excitement was at its highest pitch, and stated that he wished to consult with me as a friend and as a judge. He said that he had been applied to by the friends of the anarchists to undertake their defense; that he told the parties that he had not followed to any great extent the practice of the criminal law and advised them to employ some one who made the criminal law a specialty; that they came back a second time and stated that they had been unable to get any such person to undertake their defense as they had but very little money, and again pleaded with him to undertake it. 'The amount of money they have offered me,' he said, 'is not worthy of consideration; but it is their all,—all that they can raise. I told them I would consider the matter and give them my decision. You know,' he continued, 'what undertaking their defense means to me or any other lawyer of position at the bar.' I said, 'You have then counted the cost?' 'Yes,' he replied, 'I think I can foresee the result to me if I undertake their defense. I have now, as you know, a large and profitable business that my partner and myself have been many years in building up. Our clients are principally of the class—capitalists and board-of-trade men—who are much exercised over this matter and about the growth of anarchy and lawlessness generally. I shall have to give months to the case and must neglect other business to some extent. I think I can foresee that he who undertakes the defense of these anarchists will be looked upon with at least great disfavor. It means to some extent social ostracism and I believe an almost total sacrifice of my business and possibly of my future prospects. Now, Judge, what shall I do? What would you do?'

"I replied, 'Captain Black,'—for it was Captain William P. Black,—'your question is a very serious one, and probably one that you should solve your-

self; but as you ask my opinion I will give it to you. As these men have offered a retainer and that to the extent of their ability, I have no hesitation in saying that your duty to your profession, your duty to yourself, demands that you accept it and undertake their defense. I must say that you have rather underestimated than overestimated the cost to yourself; but yet, Captain, it is always expedient to do one's duty.' He replied that he felt that it was his duty to take the case and that my advice encouraged him to do so.

"You all know how well, how ably through many wearisome months he performed that duty. He extorted the admiration of those who denounced him by the heroic defense he made. The result, as to himself, was even worse than he anticipated. Many of his so-called friends gave him the 'cold shoulder,' his partnership was dissolved, nearly all of his clients forsook him, and I believe that in six months he who was earning his ten to fifteen thousand dollars a year could not count upon one thousand a year income. The feeling that had been engendered gradually died out and people began to reason among themselves. He manfully stood up and fought his way back into a lucrative business. The Chicago bar should delight to honor him, this brother lawyer who made so great a sacrifice to maintain the honor of the profession."

When the case was over Captain Black resumed the practice of law, but it was as he supposed, and as Judge Tuley stated,—his defense of the anarchists had cost him a great share of his civil practice. As the years passed, however, and calmer judgment returned, there has arisen a feeling of appreciation for the sacrificing and heroic spirit that led the lawyer, in obedience to the ethics of his profession and the spirit of the law, to stand for a fair trial for those who were accused of offense; old clients returned and new clients came to him, and he is now in the enjoyment of a larger law business than ever before. He has been connected with much of the most important litigation in the civil courts for many years and has achieved distinction, not only for his ability but also for the integrity and honesty of purpose which characterizes all his professional acts. He is now in the active practice of his profession in Chicago, his zeal unabated, his efficiency unimpaired.

Captain Black has given deep thought and careful investigation to social and economic questions of the day, and on these topics has written many able articles. He is an unusually clear, earnest and vigorous writer. In 1881 he prepared and delivered before the Chicago Philosophical Society a lecture on Socialism as a Factor in American Society and Politics, which was published in the Chicago Times, republished in pamphlet form and extensively quoted and noted in various parts of the country. It was a remarkably clear, interesting and philosophical consideration of the great question of the social relations of the wage classes in our growing republic. A year later he delivered before the same body a lecture on Russia and Nihilism, which has since been delivered, by request, before the Liberal League of Chicago and the Industrial Reform Club of the same place, and which has been printed in the Weekly Magazine and reprinted in tract form. In regard to this lecture Wendell Phillips wrote to Captain Black as follows:

Boston, July, 1882.

My Dear Sir:—Hearty thanks for your instructive and eloquent address on Russia and Nihilism. Such a masterly and logical summing up of the case against the Romanoffs must give our people pause and make them think. Then we shall see a public opinion more worthy of our past and our national position among civilized states.

I have read and reread your statement, each time with fresh admiration and added thanks that any American has been found ready to make it an honor to us and a service to the world.

Yours with great respect,

Colonel W. P. Black.

WENDELL PHILLIPS.

Captain Black is in no sense of the word a politician though taking a keen interest in the affairs of the country to whose service in the tented field he gave three and a half years of his life. In his views he is thoroughly independent, casting his vote and his influence always with what he believes the better side of every cause. Prior to 1872 he had been a stanch Republican, but in that year he advocated the cause of Horace Greeley, and has since been independent, though usually voting with the Democracy. In the fall of 1882 he became a candidate for congress upon the unsolicited nominations first of the anti-monopolists in their conventions, then of the Democracy and afterward of the independent Republicans. Although Captain Black was defeated, through treachery in the Democratic camp,—and then by only twenty-four hundred votes, when at the preceding election the opposing party had a majority of six thousand votes,—the campaign awakened great interest and brought to him many written and spoken tributes concerning his character and attainments. Henry L. Turner, a prominent real-estate dealer and lifelong Republican, wrote of him in the following manner: "Speaking from a personal acquaintance of years' standing, the writer, if asked, would say of Captain William P. Black that he would bring to the legislative office a heart throbbing with a benevolent love for his fellow men, sympathetic with their misfortunes, and ambitious to be of service to them; a quick and enlightened conscience, with a profound sense of personal responsibility; an independence of thought and action almost phenomenal; an honesty deep seated as the earth's foundation; an incorruptibility absolutely unassailable; an intellect of great breadth and keenness; a mind well stored with a comprehensive knowledge of law and history; a ripe and widely varied experience; an eloquence at once dignified and impassioned, impressive and graceful; a patriotism strengthened and purified on the battle-fields of the rebellion, and a courage which cannot be daunted; a life so pure and spotless that the fierce breath of a bitter canvass has cast no mist upon it; a religious principle which manifests a reverent regard for all the ways of righteousness; a widely gathered familiarity with the management of affairs, and a broad general culture; a splendid presence, and manners courteous, affable and polished."

His home life is ideal in its pleasant relations. In 1869 Captain Black married Miss Hortensia M. MacGreal, of Galveston, Texas, who has shared with him in all his benevolent and philanthropic work. He is known as a Christian gentleman of liberal views and scholarly tastes, and all moral and social reforms receive his support. Faultless in honor, fearless in conduct, and stainless in

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reputation, he stands to-day as one of the most brilliant and respected members of the Chicago bar.

Elbert H. Gary.—In the history of jurisprudence in Illinois the name of Gary is prominently associated with much of the important litigation that has called forth the powers of the most talented members of the bar. While versed in all departments of the law, he is by preference and patronage confined his attention largely to that important branch of the profession known as corporation law, and has won for himself very favorable criticism for the care and sympathetic methods he has followed in the conduct of his legal business. He has remarkable powers of concentration and application, and his retentive mind has often excited the surprise and admiration of his professional colleagues.

Since 1870 Mr. Gary has engaged in the practice of law in Chicago, which he comes from his home in Wheaton,—the place of his residence throughout his entire life. He was born in Du Page county, Illinois, October 8, 1846, a son of Erastus and Susan A. (Vallette) Gary. His boyhood days were passed on his father's farm, where during the summer months he assisted in the labors of the fields. During the winter season he pursued his studies in the district school until close application had prepared him for entrance to Wheaton College, in which institution he was a student for several terms. At the age of eighteen he began reading law in the office of Vallette & Cody, of Naperville, where he continued for a year and a half, when he was enrolled among the students of the Chicago University. He was graduated in that institution in June, 1867, and in October following was admitted to the supreme court of Illinois, and in 1878 was admitted to practice in the supreme court of the United States.

Establishing an office in Chicago, Mr. Gary was joined by his brother Noah E. Gary, in 1874, a business relation that was maintained for about sixteen years. In the meantime, from 1879 until 1886, one of his former preceptors Judge Hiram H. Coby, was also a member of the firm. Since 1890 Mr. Gary has been alone in the conduct of his very extensive and important law business. His efficiency and superior skill in the handling of the intricate problems of corporation law brought him an extensive clientage along that line, and gradually his corporation practice crowded out many other departments of jurisprudence. His eminent ability in this direction is indicated by the fact that he is now serving as general counsel for several large corporations, including the Baltimore & Ohio Railroad, for the western department, the Illinois Steel Company, the American Steel and Wire Company, the Car Service Association, the American Bonding and Trust Company and Maryland Casualty Company. He has been a member of the Chicago Bar Association since its organization and served for one year as its president.

Mr. Gary was married, June 23, 1869, to Miss Julia E. Graves, of Aurora, and has two daughters. He maintains his residence in Wheaton and has contributed largely to the material development and welfare of the city. He is the principal stockholder and the president of the Gary Wheaton Bank, which he established in 1874, and he has held several offices. A Republican in politics, he was elected on that ticket as president of the town council for three terms, and

when Wheaton was raised to the rank of a city he was chosen its first mayor, acting in that capacity several terms. In 1884 he was elected judge of Du Page county and occupied that bench for two terms. He is a member of a number of important social organizations, including the Union League, Chicago and Athletic Clubs, of Chicago, and has a membership connection with the National, State and Chicago Bar Associations.

Henry H. Kennedy, a member of the law firm of Moses, Rosenthal & Kennedy, of Chicago, was born in Washington county, Iowa, in 1861, and acquired his literary education in Iowa College, of Grinnell, that state, graduating in that institution with the class of 1883. For nearly a year thereafter he was connected with the staff of the Grinnell Herald, and then entered the law department of the Michigan State University, at Ann Arbor, where he was graduated on the completion of the regular course in 1885.

Immediately afterward Mr. Kennedy came to Chicago and from 1885 until 1890 was employed in a clerical capacity in the law office of Moses & Newman. In the latter year he became a member of the law firm of Moses, Pam & Kennedy, now Moses, Rosenthal & Kennedy, and in that connection enjoys a large and important law practice, which is an indication of ability on the part of the different members of the firm.

In 1892 Mr. Kennedy was united in marriage to Miss Minnie G. Perkins, of Grinnell, Iowa. He belongs to the Union League Club, and in his political affiliations is a Republican who staunchly advocates the principles of his party.

Edward Dudley Kenna was born at Jacksonville, Illinois, November 17, 1861, and educated in the common schools of Springfield, Missouri, where he studied law and was admitted to the bar, on May 7, 1880. On May 1, 1881, he was appointed assistant attorney of the St. Louis & San Francisco Railway Company and moved to St. Louis. On November 1, 1889, he was made general attorney of that company, in which position he continued until September 15, 1895, when he was appointed general solicitor of the Atchison, Topeka & Santa Fe Railway Company and removed to Chicago.

Mr. Kenna was married June 2, 1894, to Miss Madeline Kerens, of St. Louis. They have two children, the elder a boy, Richard Kerens Kenna, and the younger a daughter, Mary Dudley Kenna.

Frederick W. C. Hayes was born in Johnstown, New York, January 26, 1859, and was of Scotch-Irish lineage. His father Richard B. Hayes, was a representative of a noted Irish family, his uncle filling the high office of lord chancellor to the crown; another relative, Canon Hayes, was a celebrated clergyman of the church of England. The father, Richard B. Hayes, leaving his home in Banbridge, county Down, Ireland, in 1856, sailed for America and identified his interests with those of the New World. He was the manufacturer of the Hayes' Royal Irish linen thread of world-wide reputation. Mary E. (Nellis) Hayes, the mother of Frederick W. C. Hayes, was a native of Ephratah, New York, and a descendant of the well known Edwards family of the Empire state.

Frederick W. C. Hayes became a resident of Chicago in his early boyhood,



Frederick W. S. Hayes



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and pursued his literary education in the grammar and high schools. In 1876 he was matriculated in the old University of Chicago, wherein he graduated with honors, as a member of the class of 1880, receiving the degree Bachelor of Arts, which degree was also conferred upon him by the present University of Chicago. He pursued his studies under many disadvantages, however, which gave way before his resolute and determined spirit. His pecuniary condition made it necessary that he should provide for the expenses of his college course and for his own maintenance, and this he did by teaching nights and by delivering newspapers. After his graduation from university he entered the Union College of Law, in 1880, and two years later was admitted to the bar. During that time he worked in the recorder's office and acted as clerk for Justice Charles Arnd. He entered upon his professional career as a member of the law firm of Young & Hayes, his partner being Kimball Young. That connection was continued until 1884, when the illness of Young made a dissolution of the partnership necessary. Mr. Hayes was alone in practice for some time, but on account of ill health was forced to leave the greater part of three years, from 1889 until 1891, in New Mexico. While in that territory he served as principal of a New West school, and in addition to teaching during the week often preached on Sunday. He was teacher, journalist and minister, and a friend of all in the place, and it is doubtful if any one made a deeper impression for good upon the community.

Upon his return to Chicago Mr. Hayes became connected with the law department of the city, under the Washburne administration. He was a fine all-around lawyer, but he possessed an intimate knowledge of special-assessment and condemnation law, and for that reason was selected by the city of Chicago as special counsel in many such cases,—in 1892 and subsequent years. He was in charge for the city of the big Wentworth avenue sewer case, the largest and most important special-assessment case ever tried in this country. The total assessment amounted to eight hundred and sixteen thousand dollars, and on different juries passed upon the different phases thereof. In one of these trials involving over one hundred and twenty thousand dollars of objections, two prominent lawyers were pitted against Mr. Hayes, and after a trial of over thirty days the jury found for the city. This was a great personal triumph for Mr. Hayes, as it was largely through his efficient efforts and skill that the case was won, and at once established his reputation as a most able trial lawyer. He afterward had charge of the still greater project,—the Ninety-fifth street sewer and drainage plan,—and because of these and other cases, by reason of his study and broad views, he became thoroughly informed upon the subject of drainage from a legal and engineering standpoint. It was on account of his special knowledge, as well as his general ability, that he was elected attorney for the drainage board at a time when knotty and complicated problems were presenting themselves for solution. The purpose of the drainage canal is to furnish pure water and thus save the lives of our people. No one felt more strongly the nobleness of such a high purpose than did Mr. Hayes. He put aside private interests

devote his whole attention to the public good. He fell at the post of duty, overcome by the tremendous strain made upon his system by his hard labors.

At the time of his death he was a member of the well known and leading law firm of Mann, Hayes & Miller, the partners being James R. Mann, Frederick W. C. Hayes and George W. Miller. The senior member of the firm is now congressman from the first district of Illinois, and the junior member is representing the third senatorial district in the Illinois legislature. The firm successfully combined politics and the practice of law, and each one, though comparatively young, attained official distinction, and together they built up an extensive practice in corporation and municipal law. For a time Mr. Hayes was one of the masters in chancery of the superior court of Cook county, and in the spring of 1897 was selected as attorney for the sanitary district of Chicago.

On the 2d of September, 1886, Mr. Hayes was united in marriage to Miss Lucy Ella Leach, of Manchester-by-the-Sea, Massachusetts, and two children were born to them, Frederick and Lucy, who with their mother share in the loss of husband and father. When a youth of thirteen years Mr. Hayes became a member of Plymouth Congregational church, and later transferred his membership to the South Congregational church, at the corner of Fortieth street and Drexel boulevard. Politically Mr. Hayes was an ardent and zealous Republican, and for several years was president of the Thirty-second Ward Republican Club. He was one of the original seven who founded the Marquette Club, of Chicago, and was its first vice-president, but resigned in the winter of 1897 and joined the Hamilton Club. He was a Knight Templar Mason and a member of the Royal Arcanum. His social qualities were marked, and his genial disposition and courteous manner made him a popular favorite. He was a product of our earnest and intense Chicago life. Against odds which would have overcome a less courageous spirit, he found his way to the front ranks, so that before he had reached the age of forty he had carved for himself a niche in Chicago's temple of fame. To his clients, as well as his friends, Mr. Hayes gave himself and his utmost powers with lavish prodigality, and with the highest sense of duty and devotion. He was warm-hearted, generous and loyal to his friends; he made new ones wherever he went and he never lost them. Whether in the bitterness of political strife or the intensity of a lawsuit, his cheerfulness and good nature never left him. He was always self-possessed and was always considerate of the feelings of others. A prominent citizen said of him: "I never knew a man who so won the love of men." This is a simple but eloquent tribute to his sterling worth and high character, for it is only noble qualities that command the love of our fellow men. He was true and faithful in all the relations of life, was an able and aggressive lawyer, a vigorous but courteous opponent and always commanded the respect of the bench and bar. He died November 1, 1898, and his remains were interred in the old family lot in Johnstown, New York. Thus passed from our midst one of the most able lawyers that has ever practiced at the bar of Illinois,—one no less esteemed for his worth of character than for his superior talents of jurisprudence.

Samuel Shaw Parks is numbered among the representative citizens of

Chicago that Massachusetts has furnished to the western metropolis. He was born in Palmer, that state, on the 6th of May, 1863. His parents were William R. and Dora (Shaw) Parks, the former born in Palmer, in 1833, the latter born in Albany, New York, in the same year. She was a daughter of Dr. Samuel Shaw, one of the first homeopathic physicians of western Massachusetts and a very prominent and influential citizen. -

Liberal educational privileges fitted Mr. Parks for the duties of life. He was graduated in the Monson Academy, in Monson, Massachusetts, with the class of 1882, and then entered Amherst College, where he completed the prescribed course by graduation with the class of 1886. During his course, he became a member of the Beta Theta Pi fraternity. In 1886 he came to Chicago and in 1888 was graduated from the Union College of Law of this city. Here he became a member of the Phi Delta Phi—a legal fraternity. In June, 1888, he was admitted to the bar and for the past decade has been an active member of the profession, engaged in general practice, with offices in the Ashland Block. Earnest purpose and untiring effort have gained him the success he has achieved,—success that would be creditable to a man of older years.

On the 6th of August, 1888, Mr. Parks was united in marriage to Miss Grace Runyan, a daughter of Eben F. Runyan, one of the oldest and most prominent lawyers of Chicago. They have two children: Clarence Runyan, born August 3, 1890, and Dora Ruth, born July 19, 1892. Socially Mr. Parks is connected with the Menoken Club and with various Democratic organizations, being a warm advocate and ardent supporter of the Democratic party and a firm believer in the Chicago platform.

William F. Wiemers, of Chicago, was born on the 14th day of February, 1857, his parents being natives of Germany. His early life was passed upon an Illinois farm. He received his elementary education in the public schools of his neighborhood, and supplemented the same by a course of study at Shurtleff College, Upper Alton, Illinois, at which institution he was graduated in 1882. He then entered the Union College of Law, of Chicago, and on the completion of the course was graduated in the class of 1884 and admitted to the bar. He at once opened an office in the city of Chicago, and has enjoyed a constantly increasing practice, which is mostly confined to civil matters, embracing some important litigated interests. In 1893 he was appointed master in chancery of the circuit court of Cook county, Illinois, a position which he still holds and for which his painstaking, methodical, conservative nature and careful professional habits especially fit him.

In politics he is a Republican. He is a logical thinker, a fluent writer, and has made frequent contributions of interest to the local press on current subjects and questions of a politico-legal character. At all times and all places he commands the respect and esteem of his fellow men by his upright life, his versatility, marked intellectuality and unfailing courtesy.

In 1889 Mr. Wiemers was united in marriage to Miss Clara B. Kenison. Socially he is connected with the Marquette and Hamilton Clubs and with the Masonic fraternity.

John W. Ela, of Chicago, is a native of New Hampshire. He was born in 1840, in the town of Meredith, on the shore of Lake Winnepesaukee. His boyhood and youth were passed in New England, and having determined to enter the legal profession he prepared for the bar at the Harvard Law School and in the office of Judge Samuel W. Rollins, of Meredith.

He commenced practice at Plymouth, New Hampshire, and was gradually building up a good clientage when the civil war was inaugurated, and in 1863 he enlisted in the Union army, assisted in raising Company B, of the Fifteenth New Hampshire Volunteers, became captain of that company and served until his regiment was mustered out, at the end of its term. Attracted by the west, Mr. Ela then came to Chicago and has for more than a quarter of a century been a member of the bar of this city and one of the prominent and successful lawyers of the state. He framed the Illinois civil-service law,—the first law of that character passed by a western state,—and was at the head of the movement which resulted in its passage by the legislature and its adoption by the city of Chicago. When he drafted the bill Mr. Ela was president of the Chicago Civil Service Reform Association, and was an earnest and active worker in the organization of which he was the head. He labored almost continuously for the "merit system" from the time the idea was put before the people of the west until it became a law, and his capability to handle this subject resulted not only from a broad knowledge of law and the need of purity in politics, but also from study and investigation into the subject of the civil service in the communities—city, state and national—where it was in operation. Probably no man in the country is better informed on the subject than John W. Ela. He has for some years been an active member of the executive committee of the National Civil Service Reform League, of which league George William Curtis was one of the founders and the first president, and of which Carl Schurz is now president.

Mr. Ela was one of the counsel, before the supreme court of this state, who argued for the constitutionality of the Illinois act. He was counsel for the civil service commission of Chicago, in the case against the board of education of Chicago, in which Judge Tuley, of the circuit court, decided that that board must come under the civil-service law, and argued the case for the commission before the supreme court, upon the appeal by the board. He was counsel for the civil service commission in the suit against the secretary of the commissioner of public works, of Chicago, to compel the giving of testimony before the commission, in which suit the constitutionality of that provision of the law was attacked by the defense. He was also counsel for the commission in the mandamus suits in the supreme court to compel all appointments to positions in the offices of the city collector, city clerk, city treasurer and city comptroller to be made under the provisions of the act; claiming that the act covers all these offices; and he made the argument in that court for the commission. Mr. Ela was president of the police commission (the other members being John H. Hamline and Harry Rubens) appointed by Mayor Hopkins, in 1894, to put the Chicago police department under the merit system; which commission made

the first application of the reform in Chicago, and gave the people an object lesson as to its benefits.

Among the other matters of a public nature in which Mr. Ela has been counsel may be mentioned his appointment by Governor Altgeld to assist in the defense of the state, in the supreme court, in the combined attack upon the constitutionality of the state factory law; involving the question, among others, of the validity of the provision establishing an "eight-hour day" for women. In 1895 he was employed by the Chicago Times-Herald to go to Springfield as its counsel and render opinions on proposed laws pending in the legislature. There was considerable excitement during that session over the veto, by Governor Altgeld, of several bills favoring certain classes, or corporations, claimed to have been passed by corrupt means, and the efforts of their friends to pass them over the veto; and over other supposed corrupt bills still pending. The Times-Herald employed Mr. Ela to go to Springfield to examine the vetoed bills and all proposed measures which could affect the public, and give his unbiased opinion upon such measures and their effect if they should become laws. These opinions were published in that journal from time to time until the close of the session. It was a session noted as a "record-breaker" in alleged attempts to accomplish corrupt legislation. As to the results of the efforts of Mr. Ela and the Times-Herald it is only fair to say that, notwithstanding the extraordinary activity of the friends of the vetoed bills (which were all opposed by these opinions, and by the paper) not one of them was passed over the veto, and scarcely one of the measures denounced in the opinions and the paper has yet become a law. There was considerable indignation expressed by some of the legislators, at first, on the assumption that Mr. Ela came there to watch over them; but, as the character of his services developed, there was general commendation of the work he was accomplishing.

While a Democrat in national politics, Mr. Ela has always opposed carrying party politics into local elections. He has actively supported every "citizens' movement" in city elections in Chicago. He has been a member of the executive committee of the Civic Federation, and its vice-president; was chairman of the committee which prosecuted the election frauds; vice-president of the Army and Navy League, which did such effective work in assisting Chicago soldiers and their families during the war with Spain, and has been president of the Chicago Philosophical Society.

Miles J. Devine.—The true measure of individual success is determined by what one has accomplished, and, as taken in contradistinction to the old adage that a prophet is not without honor save in his own country, there is particular interest attaching to the career, of the subject of this review, since he is a native son of the place where he has passed his active life, and so directed his ability and efforts as to gain recognition as one of the representative citizens of Chicago. He is actively connected with a profession which has important bearing upon the progress and stable prosperity of any section or community, and one which has long been considered as conserving the public welfare by furthering the ends of justice and maintaining individual rights. He ranks among the leading young



lawyers of the city and is now acceptably filling the important position of city attorney.

Mr. Devine was born in Chicago, November 11, 1866, and is a son of Patrick and Elizabeth Devine. His preliminary education was acquired in the common schools, and after his graduation at the high school he attended successively the St. Francis Seminary, of Bay View, Wisconsin, the Seminary of Our Lady of Angels, of Niagara, New York, and Lake Forest University. When his literary education was completed he turned his attention to the study of law as a student of the Chicago College of Law, and was graduated in that institution in June, 1890. His success at the bar was marked and immediate. No dreary novitiate awaited him, for almost immediately he had secured a fair patronage, which has steadily increased until it has reached extensive proportions. He seems to have a natural discrimination as to legal ethics, and he is so thoroughly well read in the minutiae of the law that he is able to base his arguments upon thorough knowledge of and familiarity with precedents, and to present a case upon its merits, never failing to recognize the main points at issue, and never neglecting to give a thorough preparation. His pleas have been characterized by a decisive logic and a lucid presentation rather than by oratory, although he is well known as a public speaker and orator, and his power is the greater before court or jury from the fact that it is recognized that his aim is ever to secure justice and not to enshroud the cause in a sentimental garb or illusion which will thwart the principles of right and equity involved.

Mr. Devine first became a member of the law firm of Devine & O'Connell, and had not long been in public life before his ability was recognized, and in 1892 he was appointed by Hon. Carter Harrison, Sr., to the position of assistant city prosecuting attorney, and Mayor Hopkins and Mayor Swift both continued him in that place. By this time his private practice had grown to such proportions that he resigned his position in order to devote his entire time to the interests of his clients. But the public refused to permit him thus to retire to private life. In 1893 he was nominated by the Populists of the fifteenth senatorial district for state senator, but on account of his pressing business duties he declined the nomination. In August, 1896, he declined the nomination of his party for congress, but during the memorable campaign of that year he labored earnestly for the free-silver platform and its representatives. In March, 1897, he reluctantly consented to accept the nomination for city attorney, the welfare of his party outweighing all personal considerations. He was elected by the greatest plurality ever given a city attorney in the history of Chicago or any other American city, and is now discharging the duties of the office in a manner highly satisfactory to all concerned. He is vice-president and chairman of the executive committee of the Cook County Democracy and his labors in behalf of the party have been most effective.

On the 21st of October, 1886, Mr. Devine married Miss Emma Gamash, of Lake county, Illinois, and they have four children: Miles J., Jr., Paul P., Leo J. and Mabel R. Mr. Devine has a genial, social nature, and his courteous deportment ever bespeaks the character of the true gentleman.



10.4 am.

Edward Swift Isham, senior member of the law firm of Isham, Lincoln & Beale, was born in Bennington, Vermont, January 15, 1836. His American ancestry had its beginning with John Isham, a native of Northamptonshire, England, who coming first to Newburyport settled afterward in Barnstable, Massachusetts, and was there married, December 16, 1667, to Jane, daughter of Robert Parker, of Barnstable. This pioneer's will was admitted to probate at Barnstable, October 10, 1713. His second son, Isaac Isham, was born in February, 1682, and was married May 3, 1716, to Thankful, daughter of Thomas Lumbert, Jr., and his will was probated at Barnstable, August 5, 1771. The third son of Isaac Isham was John Isham, born in Barnstable August 6, 1721, who, in his youth removed to Colchester, Connecticut, where he married, December 19, 1751, Dorothy, daughter of Ephraim Foote of that town, and died March 2, 1802. He commanded a company of colonial soldiers in the French and Indian wars. His son, Ezra Isham, born in Colchester March 15, 1773, settled in Manchester, Vermont, in 1795, or a little later, and was for many years the leading physician of that region, his death occurring February 8, 1835. Dr. Ezra Isham was married June 21, 1801, to Anna (Nancy) Pierpont, a daughter of Robert Pierpont of Manchester, Vermont, who was the son of James Pierpont of New Haven, and grandson of the Rev. James Pierpont, for thirty years, from 1684, pastor of the First church of New Haven, and of his wife, Mary Hooker, granddaughter of Rev. Thomas Hooker, pastor of the church of Newtown (now Cambridge), Massachusetts, who led the migration of that church to Connecticut, in 1636, and was the first minister settled at Hartford. James Pierpont was the cousin of Jonathan Edwards, the younger; of President Timothy Dwight, of Yale; and of Aaron Burr. Pierpont Isham, son of Dr. Ezra Isham and Anna Pierpont, was born in Manchester, August 5, 1802, and died in New York, March 8, 1872. He married Semanthe, daughter of Noadiah Swift, M. D., of Bennington, a physician and a citizen of much distinction, and a son of Rev. Job Swift, D. D., who was a graduate of Yale in the class of 1765, and who was called "The Apostle of Vermont," at his death. Pierpont Isham became a lawyer of distinction and was for a considerable period a justice of the supreme court of Vermont.

Edward S. Isham, the subject of this sketch, is the eldest son of Judge Pierpont Isham. His early boyhood was passed in the beautiful region bordering New York and Massachusetts, among the mountains which, on the Massachusetts side, break down into what are known as the Berkshire hills. The requirements of a delicate constitution caused interruption of his studies at the age of sixteen, and he spent the years 1850 and 1851 among the mountains of South Carolina, in search of health and strength. Returning to the north, he completed his preparatory course at Lawrence Academy, Groton, Massachusetts. He matriculated in Williams College in 1853, was graduated in 1857, and by invitation of the faculty returned thither in 1860 to deliver a master's oration, and is a member of the Phi Beta Kappa society. After studying law in his father's office, and at the law school of Harvard College, he was admitted to the bar, at Rutland, Vermont, in the autumn of 1858. He soon started west, intending to locate either in St. Louis or in St. Paul, but on reach-

ing Chicago en route and viewing its possibilities, years passed before he saw either St. Paul or St. Louis. After a short time spent in the law office of Hoyne, Miller & Lewis, Mr. Isham, in the spring of 1859, formed a partnership with James L. Stark, a Vermont acquaintance, under the firm name of Stark & Isham,—a connection which lasted until 1861. His superior abilities soon gave him a prominent position at the bar, and business came to him freely. In 1864 he was elected a member of the Illinois legislature, and during his term served upon the judiciary committee. He spent the years 1865 and 1866 in Europe, and upon his return he again took up his practice, which rapidly increased and soon became as important and lucrative as that of any lawyer at the Chicago bar. In February, 1872, the partnership of Isham & Lincoln began, and this association has existed ever since. In 1886 William G. Beale was admitted to the firm and the name was enlarged to that of Isham, Lincoln & Beale (which still obtains) and later Mr. Isham's son, Pierpont, became a member.

Of the many eminent lawyers who have honored the Chicago bar during the past forty years Mr. Isham is one of the most eminent. He belongs to the inner circle of the bar. His professional life has been passed, for the most part, upon the highest plane of legal work. The care of interests involving largely the element of personal trust, the conduct of important equity causes, the legal direction of corporate affairs, litigation connected with railroad foreclosures,—these matters have constituted the greater part of his practice, though he has not infrequently been engaged in jury cases. The field of his professional labors has extended into many jurisdictions, and his fine legal attainments, his scholarly and forceful arguments, his many successes, have given him a wide and merited reputation. Perhaps his forte as a lawyer lies in his power to analyze and expound purely legal questions, and this is coupled with a rare gift for luminous statement, at once convincing and elegant. His opinions and his counsel are much sought for the guidance of large financial interests and for the solution of perplexing legal problems.

Among important cases of public interest with which Mr. Isham has been connected was that concerning the distribution of the estate of Walter L. Newberry, and the establishment of the splendid library which he endowed. Mr. Isham was always the counsel of the trustees of the estate and conducted the litigation in which that estate was involved from time to time. In that case the question was one of construction involving the meaning of a specific direction in Mr. Newberry's will. The testator, who died at sea, November 6, 1868, left a widow and two young daughters. In his will, after providing for them, he considered the contingency of the death, without issue, of both his daughters, which meant the complete extinguishment of his immediate family. In that event he directed that upon the death of the last survivor of its three members, the estate should be divided by his trustees into two equal parts,—one to be distributed among "the surviving descendants" of his brothers and sisters, and the other to be applied by the trustees to the founding of a free public library in Chicago. It is known that he estimated at forty per cent. the chances that this provision for a library would take effect. Mrs. Newberry renounced the

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provision made for her by the will, and claimed, and received instead of her share of the estate given her by statute. The testator's two children died in 1874 and 1876 respectively. The contest was commenced by the co-defendants' relatives in April, 1877, by application to the court of chancery to compel once a distribution of the estate to them, though only the two daughters had died and Mrs. Newberry was still living. Incidentally, the library provision was to take effect at the same time. As Mrs. Newberry had survived both daughters, the direction in the will was, in effect, to divide the estate at her death. The theory of the complainants was that the devise was of three life-estates and that the object of the postponement of distribution was to give effect to the gift over to complainants; that the gift over to complainants was intended to be limited not upon the lives, but upon the life estates, and the estates being ended by the death of the daughters and the renunciation of the widow, the distribution should be made at once. To this it was answered for the trustees that the life estate of the widow was not ended by her renunciation; that she thereby had merely substituted the life estate given by statute for the life estate given in lieu of it by the will, so that even if the gifts over were in fact not limited upon the end of the lives, but upon the end of the estates, the estates were not ended, and the distribution could not be accelerated. Moreover, the direction to distribute at the death of Mrs. Newberry could not be construed to mean at the end of her life estate, for the death entered into the description of the persons to whom the estate was given. The "surviving descendants" meant those surviving at the death of Mrs. Newberry, and if the court should give the word "death" the meaning of "the end of her life estate," or any other than its natural and ordinary meaning, it would not merely accelerate the possession of the property by the owner certain at some time to become entitled to receive it, but would change the donees from survivors at one time to survivors at another, and so give to a new class of persons an estate that was devised to another class. In the circuit court a decree was made as sought by complainants, in July, 1877, for the immediate distribution of the estate. Appeal was taken, however, to the supreme court, and upon argument at Springfield the decree of the court below was reversed in June, 1878. Afterward a petition and an amended petition for rehearing were filed by Messrs. Wirt Dexter and E. B. McCagg and Judge Charles Lawrence. The rehearing was granted, and the cause was again argued at Springfield, in January, 1880. From the fact that the rehearing was thus allowed it was generally anticipated that the conclusions of the court would be changed and the decree for distribution affirmed; but after the argument the court held to its original judgment, and ordered the first opinion to be refiled. The case was again, in June, 1880, another rehearing was obtained from the supreme court, and an oral argument ordered, but before the cause was reached for reargument, Mr. Isham moved the court to rescind the order for rehearing, on the ground that when it was made the court had no power to make it, and that the time was past within which it had any power to disturb the twice entered judgment. In this situation the complainants secured the intervention of the attorney general of the state, asking a reconsideration on behalf of the public.

interest in the library bequest. The order for rehearing was rescinded by the supreme court, and the application of the attorney general was refused. Then, when the cause was redocketed in the court below, the complainants amended their bill making the attorney general a party. He filed a cross bill, to which the trustees demurred; the demurrer was sustained, and the amended and cross bills were dismissed. Then an appeal was taken by the complainants and the attorney general to the supreme court, and the subject of the relation of the attorney general to trusts for public charities was argued at Ottawa. The court refused to change its conclusions, and in April, 1883, the struggle to disturb the disposition of the will at last came to an end. (99 Illinois Reports, 11; 100 Illinois Reports, 484; 106 Illinois Reports, 584.) Mrs. Newberry died in December, 1885, and the library endowment, greatly enhanced by the accumulations during her lifetime, amounted then to nearly three millions of dollars.

Another case of public interest with which Mr. Isham was connected was that relating to the mayoralty of the city of Chicago, when it became incorporated under the general law of the state, in April, 1875. At that time Harvey D. Colvin was the mayor of the city, elected under the old charter. It was claimed by his adherents that the new incorporation law operated to extend his term of office nearly two years, until April, 1877. The matter was taken in hand by the Citizens' Association, and application for a writ of mandamus, directing the city council to call a special mayoral election, was made by Isham and Lincoln in the supreme court, on the petition of Charles M. Henderson, George Armour and Mark Skinner. The cause was argued in the supreme court, in January, 1876, by Melville W. Fuller, the present chief justice of the United States, and by Mr. Isham for the relators, and by Mr. Root and Judge Corydon Beckwith for the respondents. There being at the time one vacancy in the bench, the court consisted of six judges and was equally divided upon the question submitted, so that under the constitution the singular instance occurred of a court unable to render any decision whatever in a cause which the court declared "involved public interests of the gravest importance." Afterward an election was held.

In 1883 Mr. Isham argued before Judge McCreary, in the United States circuit court, at Topeka, Kansas, the case of Benedict versus the St. Joseph & Western Railroad Company, and procured the appointment of a receiver, by which that road was taken from the Union Pacific Railroad Company and reorganized. His firm was instrumental in procuring from Judge Gresham a change of receivers for a portion of the Wabash, St. Louis & Pacific Railway system east of the Mississippi river, and subsequently continued to be connected with the widely discussed litigation to which that change was introductory.

In 1886, during the great railroad strike, at a time when the supineness and inefficiency of the state authorities left the traffic of many railroads at the mercy of the strikers, Mr. Isham, representing the Lake Shore road, secured the intervention of the United States circuit court at Indianapolis, on the ground that the commerce obstructed, being inter-state, was carried on in the exercise of a

right secured by the laws of the United States. A temporary injunction was issued against the principal strikers, and the order asserted the jurisdiction of the federal court and "signified a change from the local to the national authority and law in the matter of dealing with obstructionists."

Among other important cases which he has argued, some of which have become leading cases upon the subjects involved, and some of which, in the supreme court of the United States, have involved grave constitutional questions, may be specially noted: *Brine versus Insurance Company* (96 United States, 627), with its connected case of *Warner versus the Connecticut Mutual Life Insurance Company* (109 United States, 357); *Pickard, Comptroller, versus Pullman Southern Car Company* (117 United States, 34); *Rand versus Walker* (Ib., 340); *Pullman Palace Car Company versus Texas & Pacific Railroad Company* (11 Federal Rep., 625); *Union Trust Company versus Illinois Midland Railway Company* (117 United States, 434); *Kingsbury versus Buckner* (70 Illinois, 514); *Central Transportation Company versus Pullman Palace Car Company* (139 United States, 24); *Windett versus the Connecticut Mutual Life Insurance Company* (130 Illinois Reports, 621); *Pullman's Palace Car Company versus Central Transportation Company*, United States supreme court, May 31, 1898 (not yet reported).

Almost from the time of its organization Mr. Isham has been a prominent member of the Chicago Literary Club and has delivered many addresses before that body on the occasions of its public receptions. He wrote an article on the "Social and Economic Relations of Corporations" in the *Encyclopedia of Political Science*, and prepared an address read before the New York Historical Society on "Frontenac and Miles Standish in the Northwest," and in November, 1898, delivered the annual address before the Vermont Historical Society, at Montpelier. In 1893 he received the degree of LL. D. from Williams College.

In 1861 Mr. Isham was united in marriage to Miss Fannie, daughter of Hon. Thomas Burch, of Little Falls, New York, and they became the parents of two sons and two daughters. Mrs. Isham died February 9, 1894. The elder son, Pierpont, was graduated in the United States Military Academy, at West Point, in 1887, served for a time in the Seventh Cavalry, at Fort Riley, and afterward in the Third Cavalry, at San Antonio, Texas, and is now the junior partner in the firm of Isham, Lincoln & Beale. The younger son, Edward S., was graduated at Yale in 1891, and is now connected with commercial interests.

John H. Hamline.—The specific and distinctive office of biography is not to give voice to a man's modest estimate of himself and his accomplishments, but rather to leave the perpetual record establishing his character by the consensus of opinion on the part of his fellow men. That Mr. Hamline occupies a notable position among the able lawyers of Illinois is shown by the many times his professional associates have honored him with official preferment in their fraternal organizations; and that the public accords him prominence is demonstrated by the liberal clientage which he now enjoys. It is therefore fitting that Mr. Hamline be numbered among the leaders of the bench and bar of Illinois, that future

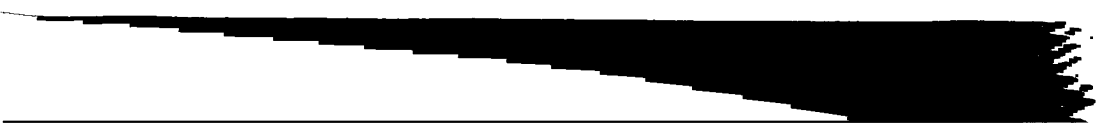
generations may know something of the part which he played in forming the judicial history of the state.

He was born in Schenectady, New York, on the 23d of March, 1856, and completed his literary education by his graduation at the Northwestern University, of Evanston, in 1875. He then entered the Columbia College Law School, was graduated in 1877 and in the same year was admitted to practice by the supreme court of Illinois. In 1892 he was admitted to practice by the United States supreme court, and during his professional career he has been interested as counsel in some of the most important litigation that has been heard in the courts of the state. With the long line of decisions from Marshall down, by which the constitution has been expounded, he is familiar, as are all thoroughly skilled lawyers. He is at home in all departments of law, from the minutiae in practice to the greater topics wherein is involved the consideration of the ethics and philosophy of jurisprudence and the higher concerns of public policy. He served as corporation counsel of the city of Evanston from 1880 until 1884, and was alderman from the third ward of Chicago from 1887 until 1889. He is a welcome addition to the membership of the Union League, Chicago, University, Columbia, Chicago Literary, Sunset, Hamilton and Law Clubs, and at different periods between 1890 and 1897 has served as president of the Chicago Law Club, Chicago Law Institute, Chicago Bar Association, Illinois State Bar Association and the Union League. While president of the Union League Club he organized and directed the movement which secured the passage of the civil-service reform act. While president of the State Bar Association he secured the consolidation of the supreme court.

Such in brief is the history of one whose professional ability and sterling worth have won him marked prestige in business and social circles.

Will H. Lyford is actively connected with a profession which has important bearings upon the progress and stable prosperity of any section or community, and one which has long been considered as enhancing the public welfare by conserving the ends of justice. Since 1892 he has occupied the very important and responsible position of general counsel for the Chicago & Eastern Illinois Railroad Company, and ranks among the ablest attorneys at the Chicago bar.

Mr. Lyford was born September 15, 1858, in Waterville, Maine, and is a son of Oliver S. Lyford, vice-president of the Chicago & Eastern Illinois Railroad Company. He was educated in the public schools of Buffalo and Cleveland, and was graduated in the high school of the latter city in the class of 1879. He then entered Colby University, of Waterville, Maine, where he was graduated in 1879. Immediately afterward he came to Chicago and entered the railroad service as a civil engineer, becoming later chief clerk in the office of the manager of the Chicago & Eastern Illinois Railroad. In 1882, through personal connection with an important chancery suit, he became interested in the study of law and entered the law department of the railroad company with which he is now connected. In October, 1884, he was admitted to practice at the bar of Illinois, and the following year was appointed assistant general



solicitor for the Chicago & Eastern Illinois Railroad Company. On the 1st of January, 1888, he was made general solicitor; and on the 15th of March, 1892, became general counsel, which important position he has since filled. He has made a close study of railroad law, one of the most important and intricate departments of the science of jurisprudence, and has conducted some notable litigation, his efforts being crowned with success for the corporation which he represents. He never loses sight of any detail having bearing upon his case, and at the same time he gives to the more prominent points due importance. His knowledge of the law is exact, his preparation of a case painstaking, and his power before judge and jury is acknowledged by all.

On the 28th of April, 1886, Mr. Lyford married Miss Mary McComas, of Nebraska City, Nebraska. He is a member of the Chicago Club and the Chicago Athletic Association, and in politics is a Republican. He is a man of very modest manner, yet of pleasing personality, and his uniform courtesy and genuine worth have made him a great favorite in social as well as professional circles.

CHAPTER XX.

THE JERSEY COUNTY BAR.

THE division of Greene county and the organization of all that part south of the Macoupin creek into a new county called Jersey, on August 5, 1839, marked the beginning of the history of the Jersey county bar. Few in number in those days were the local attorneys at the county-seats in nearly all parts of the state, and those in Jerseyville, though few, made compensation for their paucity of number by their great energy and ability.

The old structure destroyed by fire in the winter of 1884 was the first court-house erected in Jersey county. In those days, when judges and lawyers rode the circuit together, many prominent lawyers and eminent jurists of Illinois and other states tried cases in that old-fashioned hall of justice. The names of Lincoln, Oglesby, Palmer, Phillips, Burr, Brown, and many others of note became familiar to the citizens through the associations of judge and jury, attorney and client. The building up of the county as it is to-day, that is, in the titles of real-estate and business interests generally, was guided and directed by those early lawyers and the others who have followed them in the profession, and of their careful and thorough work each day gives evidence. All the pioneers of the bar who practiced in Jersey county when the old court-house was new and the comforts and elegance of the present modern structure were unknown have gone to try their last appeals before the court of infinite justice and mercy.

The first practicing attorney to locate within the bounds of what now constitutes Jersey county was Martin B. Miner, who came to Jerseyville in 1840. He was born in Addison county, Vermont, March 22, 1805; he was a descendant of a Henry Bullman, a miner, who, for a deed of loyalty, was renamed Miner by King Edward III of England. His ancestors came to America in 1630. He read law with Herman Allen, M. C., of Burlington, Vermont, and was admitted to practice in that state in 1834. In the autumn of 1836 he removed to Illinois, locating first at Woodburn, later at Alton, and eventually at Jerseyville, where he died in October, 1874.

The second attorney was C. H. Goodrich, who came to this county in an early day from Harpersfield, New Jersey, where he was born in 1794. For eight years he served as state's attorney of the first judicial circuit of Illinois, and was one of the prominent lawyers of the state. He was eminently successful, and figured in many of the important cases of those early days. He died in Jerseyville in March, 1868.

H. H. Howard was the third attorney to locate in this county. He was first occupied here in teaching a private academic school, but later began the practice of law. He formed a partnership with his nephew, A. L. Knapp, who

afterward became prominent in local and national affairs. At an early date, Mr. Howard was editor of the *Democratic Union*, a newspaper of Jerseyville. About the time of the civil war he moved to Kansas.

M. S. Littlefield located in Jersey county in 1860, and continued in the practice of law for a comparatively brief period. He raised and became captain of Company F, Fourteenth Illinois Infantry, of which Senator John M. Palmer was colonel. North Carolina became his home at the close of the war.

E. A. Pinero located in Jersey county and commenced the practice of law in the '60s. He was successively associated in business with R. A. King, G. W. Herdman and T. J. Selby in Jerseyville, and, later on, he and Mr. Selby removed to Tecumseh, Nebraska, where they remained several years. Returning, Mr. Pinero located in Hardin, Calhoun county, Illinois. During many years prior to his death, he was a patient sufferer from a painful rheumatic ailment which rendered him a well-nigh helpless invalid.

T. J. Selby was admitted to the bar in 1869, but did not engage in active practice until the expiration of his term of office as county clerk, in 1878. The firm of Pinero & Selby was then formed, as noted above. After returning from Nebraska Mr. Selby located in Hardin, Illinois, where he now resides and holds the office of state's attorney of Calhoun county. In Jersey county he was elected to the office of sheriff, county clerk and mayor of Jerseyville, and for several years was the editor of the *Jersey County Democrat*.

Anthony L. Knapp was born in Middletown, New York, June 14, 1828. His father was a cultured physician who removed to Illinois with his family while Anthony was still a child. As a boy he displayed a very studious turn of mind, and spent much time with his books. Perhaps it was this studious temperament which suggested his adopting the law as his profession, and later events proved that his choice of a life work was a wise one. The habit of reading which he formed in boyhood characterized his entire life, and through this means he not only acquired a profound knowledge of the law, but also gained wide information in other directions.

In 1847 Mr. Knapp accepted a position as private secretary to Governor French, and later he was elected a member of the Illinois senate, serving in the twenty-first and twenty-second general assemblies. In 1861 he was sent to the thirty-seventh congress to complete the term of General John A. McClernand, who resigned to enter the army, and in 1863 he was elected congressman for a full term. While in the senate and in congress Mr. Knapp, though still a very young man, succeeded in impressing all with whom he came in contact with his ability, and he then made friends who looked up to him and respected him to the end of his life. His speeches in congress always showed a thorough acquaintance with the subject under discussion and were fitting expressions of his clear and logical mind.

Mr. Knapp was well fitted for statesmanship, but both his ambition and taste suggested another field of endeavor to him, so that after the completion of his second term in congress he returned to the practice of law, to which he devoted his energies throughout the remainder of his life. Immediately after his

retirement from the council chambers of the nation, he removed from Jerseyville, Illinois, which up to this time had been his home, and became a resident of Chicago, but remained in the latter place only two years.

In 1867 Mr. Knapp located in Springfield, where he formed a partnership for the practice of law with James C. Robinson and William E. Shutt, which connection continued until his death, in 1881. During all that time the firm had an extensive practice, which gave Mr. Knapp scope for all his legal abilities. It was as a lawyer that he was most widely known, for in the pursuit of his profession all his abilities were brought into play in the most effective way. Nature undoubtedly intended him for the law, and his tastes and talents eminently fitted him for the brilliant position which he made for himself at the bar of Illinois. His knowledge of the law was accurate, comprehensive and scholarly. His wide reading made him thoroughly familiar with legal authorities, and he was so well grounded in the principles of jurisprudence that it became second nature to him to apply them to all law problems that came within his notice. In dealing with statutory law he was always able to reason out the steps by which the common law had been modified, and the degree to which it had been repealed. Yet, notwithstanding his profound knowledge of the law, Mr. Knapp gave to each individual case the most painstaking study. He always understood the minute details of a case entrusted to him and all the possible applications of the law to that particular case. His understanding of men and his ability to analyze character were also important elements in his professional success.

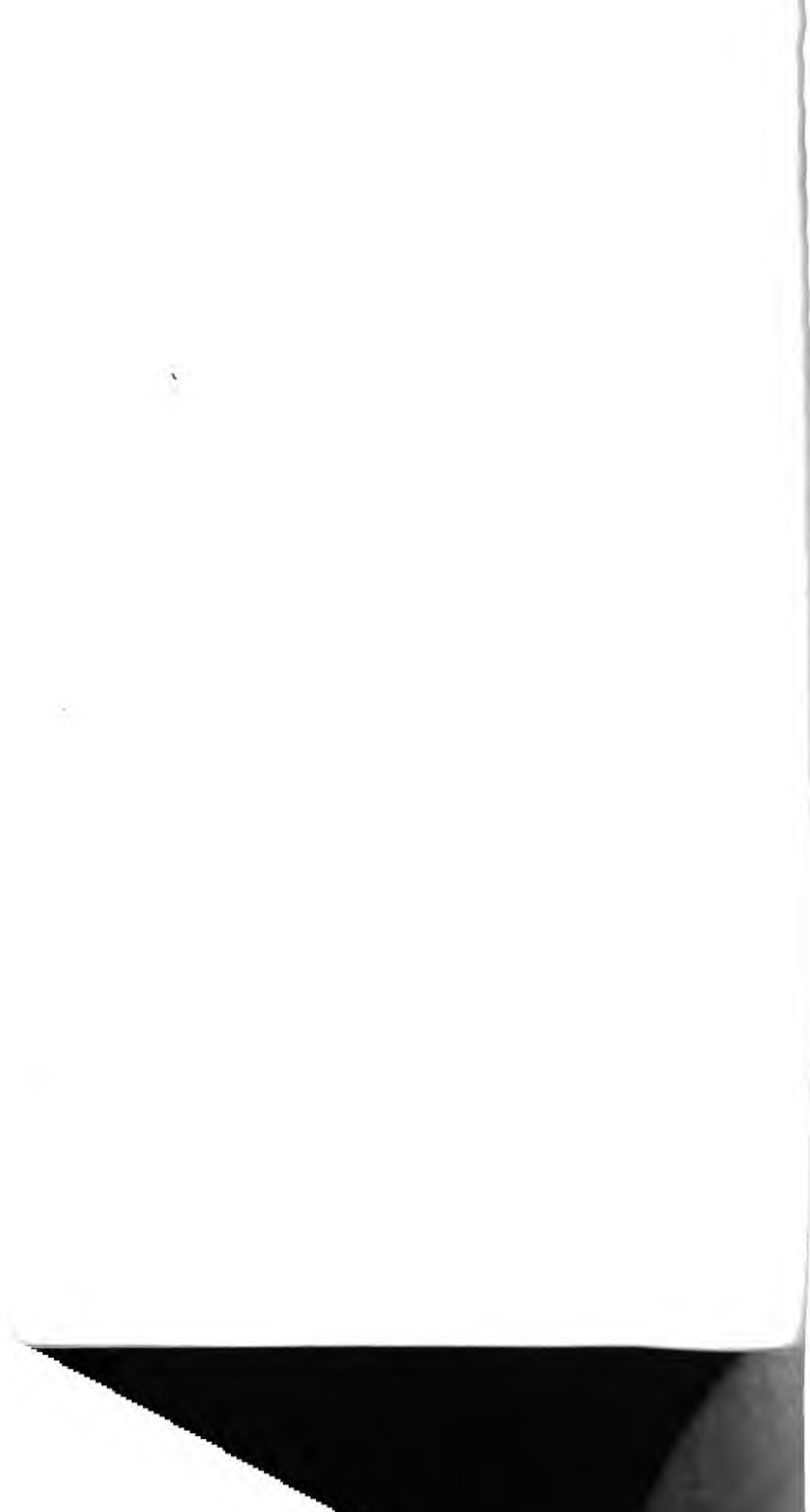
As a trial lawyer he was very successful. His perceptions were clear, and his preparation of a case always removed any mistiness or uncertainty from his own mind; hence his speeches, whether before jury or court, were not burdened with unnecessary intricacies, but were direct and forceful and were expressed in very simple and pure English. He had to be convinced that a cause was just before he could give to it the benefit of all his forces, but when once he was assured that justice was with the side he represented his logic was irresistible and his tenacity of purpose so great that he carried the jury with him.

Mr. Knapp was in every sense a gentleman, and during the trying scenes necessarily experienced in years of practice in the courts he never forgot to render to the opposing counsel the most perfect courtesy, and when he found it necessary to rebuke or criticise any one he did it with so much dignity and gentleness that he gained his point without using unnecessary pain. Mr. Knapp was never a politician in the modern sense of the term, yet he firmly believed and upheld the principles of Democracy and always gave his allegiance to that party. His good judgment and clear perceptions were held in such high esteem by Democratic leaders, both state and national, that to the end of his life they often came to him for advice.

Outside of his professional life he exhibited many rare qualities. He was a man of unusual sympathy, and he showed his friends a generous and noble nature. He did not care to have a very large circle of acquaintances, but instead he attached himself to a few sympathetic souls, and it was his pleasure



John H. H. H.
1844



to meet these often. While of a rather reserved temperament, to those nearest to him his conversation showed broad culture and wide acquaintance with literature, and these attributes, added to the genial humor so characteristic of him, greatly endeared him to those fortunate enough to call him friend. He was a man of high ideals, and he lived up to them. "He passed, a soul of nobler tone," leaving the world better for his having lived in it. Mr. Knapp died while still in the prime of manhood, May 23, 1881. He left a widow and one son, who now reside in Deposit, New York.

Robert M. Knapp, a brother of Anthony L. Knapp heretofore mentioned, was born in New York city, April 21, 1831. He was educated in the common schools of Kentucky and in the military institute of the same state. He came to Jerseyville in 1851, began the study of law with his older brother, and was admitted to the bar in 1855. He practiced law until his death, June 24, 1879. Robert M. also was elected representative to the state legislature, in 1867, and to the national congress in 1872 and 1876. He was mayor of Jerseyville during the years 1871, 1872 and 1876. As a lawyer he held the first rank.

Robert A. King engaged in the practice of law in Jerseyville in 1867. He entered into partnership with E. A. Pinero and G. W. Herdman, but was soon obliged to withdraw from the firm on account of ill health. In 1869 he was elected a member of the constitutional convention that formed our present constitution, and one year later was elected representative in the legislature. In 1872 he was appointed county judge, a position he held by election until 1882, when he took up his abode in California.

Benjamin F. Slaten was born in St. Clair county, Illinois, February 20, 1820. When eight years of age he moved with his father to this county, where he received his education in the common schools. In 1856 Mr. Slaten was admitted to the bar. He was elected to the legislature in 1860. In 1862 he enlisted into the army as captain of Company K, Ninety-seventh Illinois Volunteers. In 1887 he was elected state's attorney of this county. At the expiration of his term he retired from active practice and for several years has been living quietly upon his farm.

George E. Warren was born in Ohio, August 16, 1817. The following year he moved with his parents to Rhode Island, where he remained until 1835, when he graduated at Brown University. After graduating he came to Illinois and settled in Greene county, where he studied law in the office of Woodson & Hodges. He was admitted to the bar in 1839, practiced in his profession until the spring of 1840, in Alton, when he moved to his farm in this county. In 1862 he opened a law office in Jerseyville, as the head of the firm of Warren & Pogue, and continued in active practice until his death, in 1892. Mr. Warren held various offices of honor and trust. In 1849 he was elected county judge of Jersey county, which office he held for eight years. He was mayor of Jerseyville during the year 1875. In 1878 he represented his district in the legislature of the state.

W. H. Pogue was born December 23, 1836, in Philadelphia, Pennsylvania, where he received a classical education. He came to Illinois in 1854, and in

1855 became a law student in the office of Edward Keating. In November, 1857, he was admitted to the bar and commenced the practice of his profession in Alton, where he remained until 1862, when he removed to Jerseyville. Here he formed a partnership with his father-in-law, George E. Warren. In 1882 he withdrew from the firm to accept the position of county judge of Jersey county. He was re-elected in 1886 and continued in the office until his death, in 1887.

Orville A. Snedeker was born near Jerseyville, June 11, 1848. His early instruction was received in the home circle and in the district school. He became a student in Shurtleff College, at Alton, Illinois, and subsequently in Bryant & Stratton's Business College at Chicago. Upon completion of his collegiate course he entered upon the study of law in the office of Judge Robert A. King, in Jerseyville, and in 1870 was duly admitted to the bar. He at once became actively engaged in the work of his profession, being for a number of years in partnership with O. B. Hamilton; but during the later period of his life his attention was directed principally to real-estate law and to the control of his extensive farming and other interests in this and adjacent counties.

In politics Mr. Snedeker was an ardent Republican. He was elected a member of the legislature of his state in 1892 and again in 1894. He was the author of the school-house flag bill, and was prominently active in procuring the state appropriation for the Lovejoy monument at Alton, erected for the commemoration of an important event in the history of the state. In the strength and vigor of his manhood he was overtaken with an incurable malady, to which he succumbed September 4, 1897. In his associations with the bar of his county, as well as with all others, his kindly interest in the affairs of men and his great public spirit endeared him to all that shared his genial fellowship.

Joseph S. Carr was born in St. Charles, Missouri, in 1832. His early education was received in the common schools of St. Charles. His schooling was completed at the old St. Charles College, in which he graduated. He was licensed to practice law in the state of Missouri. At the outbreak of the civil war he entered the Confederate army and served under General Price as colonel of a Missouri regiment. In the year 1869 he located at Kane, Greene county, Illinois, where he continued the practice of law. In 1881 he was elected to represent his district in the state legislature, where he served two terms. In 1883 he removed to Jerseyville, where he remained until his death, February 26, 1896. In politics Mr. Carr was an earnest Democrat. As a lawyer he was prominent, having won distinction in the celebrated Neely will case, which was twice carried to the supreme court. He was a close student of law and depended entirely upon this profession for his livelihood, even in his declining years.

In connection with the Jersey county bar, brief mention may be made of W. K. Titcomb, a member in 1846; of John W. Merrill, who for a short time was a partner of Judge King; of William P. Chesnut, who died in Jerseyville, after a brief residence in the city; of John W. Slaten, who practiced a few years about the close of the war; of W. L. Ames, for a short time a member of the firm of Warren, Pogue & Ames; of H. N. Wyckoff, now engaged in mercantile pur-

suits in his native town; also of M. R. Locke, William Jackson and James F. Greathouse. These gentlemen were all duly admitted to practice, but were not long associated with the bar of this county.

George W. Herdman was born in Rockland county, New York, March 6, 1839. In 1854 he moved with his father to this county, where he assisted on the farm until he was twenty-four years of age, when he entered the law office of Judge S. M. Woodson, of Carrollton, where he remained for two years. He graduated at the Louisville Law School in the spring of 1867 and immediately opened an office in Jerseyville. Soon afterward he became a partner in the firm known as King, Pinero & Herdman, and later in that of Knapp & Herdman, which latter association terminated in the election of R. M. Knapp to congress. Mr. Herdman practiced alone until his election to the office of circuit judge in 1882, to which office he was twice re-elected. In 1870 Judge Herdman was elected as representative to the legislature, and in 1876 to the state senate. His repeated elections to the various important offices of county and state, held in consequence of the suffrage of the people, show fully their estimate of his ability and fitness for the several positions to which they have called him. It may truthfully be said, without charge of flattering, that no judge ever sat upon the bench in this county who was more thoughtful, honest and unprejudiced in his rulings and decisions; nor one who had a higher appreciation of the importance and dignity of the offices he so honorably and acceptably filled. He justly merits the confidence and esteem of the citizens of his county.

A. M. Slaten was born in this county August 28, 1842, and was educated in the common schools of the county and McKendree College, at Lebanon, Illinois. The early part of his life he was engaged in mercantile pursuits. He studied law, and was admitted to the bar in 1876 and located in Jerseyville, where he has continued in the active practice of his profession. In 1890 he was elected county judge and was twice re-elected to the same office, which he now holds. Mr. Slaten has won the admiration of the citizens of Jersey county, regardless of party politics, for his honest and upright dealings with them.

Theodore S. Chapman, born at Becket, Berkshire county, Massachusetts, March 31, 1849, removed with his parents to the vicinity of Rockford, Illinois, in 1854, where his father, Theodore Chapman, died in March, 1855. Later on his mother became a Baptist missionary to Burmah, India.

The subject of this sketch attended the common school in Winnebago county until twelve years of age, and then attended the high school and Madison University (now Colgate) at Hamilton, New York. At eighteen he came to La Porte county, Indiana, and taught district school two years; then to Jersey county, teaching district school one year; then elected principal of the Hamilton School, at Otterville, in the same county. He studied law while teaching school, and was admitted to the bar, on examination before the supreme court, January 14, 1874. He commenced practice in Jerseyville, and occupied for twenty-five years the office in which he began.

Mr. Chapman was elected minority representative to the house of representatives in this state in 1882, for the district composed of Jersey, Greene and

Scott counties, and took part, being on the "steering committee," in the memorable contest for election of United States senator that began on January 18, 1885, and ended June 19th, in the election of Hon. John A. Logan, by vote of "103." He was elected to the state senate from the same district in 1884, serving four years, being the only Republican ever representing the district in the state senate; he also served as president pro tem. of the same body in the years 1888 and 1889. He was attorney in the suit brought to make effective the provision of the will of George Washington, a liberated slave, which resulted in the organization, under the supervision of the court of chancery, of the board of trustees of the George Washington Educational Fund. He was elected first secretary and treasurer of the board, and has been president of same since 1890. The fund, under a plan presented by him, now amounts to some nineteen thousand dollars, which for years has sustained, free of all expense, at Fisk University from three to six beneficiaries, selected from colored residents of the state.

Adams A. Goodrich, one of the noted lawyers of Illinois, is a native of Jersey county, his birth being recorded in the year 1849. He was educated in the graded schools of Jerseyville and at the Military Academy at West Point. After studying with his uncles and receiving his credentials in 1873, he began the law practice which has been constantly attended with brilliant success. He was twice elected state's attorney of this county and once to the office of county judge. At the termination of his official service, desirous of a broader field of action, he removed to Chicago, where he is now at the head of one of the leading and successful law firms of that city. Judge Goodrich stands high in the many fraternal orders of which he is an honored member.

Oscar B. Hamilton was born in Greene county, Illinois, January 31, 1839. The earlier years of his life were devoted to mercantile pursuits. He attended the St. Louis Law School in 1869-70 and was admitted to the bar in the latter year. He has been actively engaged in the practice of law since that time, and is now the senior member of the law firm of Hamilton & Hamilton.

Edward J. Vaughn's early days were spent on a farm in the eastern part of this county, where he was born January 5, 1870. His elementary education was begun in the local district school, where he was prepared for the Jerseyville high school, in which he graduated in 1888. His law course was directed by T. S. Chapman and resulted in his admission to the bar in 1891. With Mr. Chapman he formed a law partnership in 1894, which was terminated two years later, when Mr. Vaughn resumed his individual practice. Without opposition, he received the nomination for the office of state's attorney in 1896, but on the adoption of the Chicago platform withdrew from the candidacy on the Democratic ticket and became an active supporter of the gold-standard Democracy. He has been twice elected member of the school board and has served one term as city attorney, his election to this office occurring in 1895.

Mr. Vaughn's prudence in legal affairs and his accomplished oratory have enlisted his services in much important litigation; in this connection may be mentioned the recent John G. Schwartz will contest, which terminated favorably

to his clients, the heirs at law. He is a Royal-Arch Mason, an Odd Fellow and a Modern Woodman.

Thomas F. Ferns was born in the city of Jerseyville, July 27, 1862. He was educated in the common schools of said city and graduated in the high school May 16, 1882. He entered the office of A. A. Goodrich in the fall of 1882, for the study of law. In October, 1883, he entered the St. Louis Law School, where he graduated May 10, 1885. Prior to his graduation at said law school he was admitted to practice by the supreme court of Missouri, and afterward, on March 20, 1885, was admitted to practice law by the supreme court of Illinois. He was elected city attorney of Jerseyville for three successive terms, holding the office from 1885 to 1891. He was elected to the Illinois general assembly three successive sessions,—from 1891 to 1895, inclusive. He was admitted to practice in the supreme court of the United States on December 19, 1895. In addition to his extensive law business Mr. Ferns is engaged in farming and the raising of cattle.

O. D. Leach was born in St. Clair county, Illinois, October 4, 1860. He was educated in the schools of Jerseyville, in which he graduated in 1880. He taught school for six years following his graduation, at Otterville and Grafton, and was principal at each place. He was county superintendent of schools from 1886 to 1890. He studied law under Hamilton & Slaten and was admitted to the bar in 1890. He formed a partnership with O. B. Hamilton, which firm continued until 1893, since which time Mr. Leach has practiced law alone.

H. W. Pogue was born March 17, 1863, in this county. He graduated in the Jerseyville high school in 1882. He began the study of law with Warren & Pogue in the fall of 1882 and was admitted to the bar, at Mount Vernon, Illinois, in the spring of 1886. Mr. Pogue was elected state's attorney, to fill vacancy, in September, 1887, and was re-elected in 1888 and 1892.

Charles S. White's earlier years were spent on a farm in the vicinity of Jerseyville. After sufficient preparation in the district school he entered the city high school, where he graduated in 1886. He entered upon the study of law under the direction of Chapman & Vaughn, in 1893, and was admitted to the bar two years later. Since opening a law office in Jerseyville, in 1896, Mr. White's entire time has been devoted to the constantly increasing business entrusted to his care. His birth occurred December 10, 1868.

George F. Lane, a resident of Elsah, Illinois, was educated at McKendree College, and in 1874 became a student of law in the office of H. H. Horner, a real-estate lawyer of Lebanon, Illinois. After his admission to the bar he established a law office at Elsah, in 1879, where he has since devoted his energies to the law and real-estate business.

George M. Seago was born on a farm eight miles northwest of Jerseyville, August 21, 1870. He entered the Jerseyville high school in the fall of 1887, and graduated in that institution in 1891. After teaching two terms of school in Jersey county he began the study of law and was admitted to the bar at Mount Vernon, Illinois, November, 1894. Mr. Seago is the present secretary of the Jerseyville Building, Loan & Homestead Association.

Martin J. Dolan came directly to this county from the home of his childhood, at Tourmakeady, Ireland, where he was born May 12, 1871. Reaching America, alone, at the age of twelve, he fitted himself for entrance into the Jerseyville high school, in which his general education was obtained. He began the study of law with T. F. Ferns, of Jerseyville, and later entered the St. Louis Law School, where he was graduated in 1893. He was admitted to practice in June of the same year, and immediately became an active member of the profession in Jerseyville. Mr. Dolan was elected to the office of state's attorney of this county November 5, 1896, on the Democratic ticket.

Paul M. Hamilton, one of the younger members of the Jerseyville bar, was born December 18, 1872. He received his early education in the public schools of this county. The study of law was begun with his father, O. B. Hamilton, and was completed at the St. Louis Law School. Admitted to the bar in 1895, he at once formed a copartnership with his father, and is at present the junior member of the firm of Hamilton & Hamilton.

Eugene Hale was born in Greene county, Illinois, August 15, 1864. He lived on a farm and attended the common schools of his native county until 1884, when he became a tinner's apprentice at Carrollton, Illinois. He began the study of law under the direction of James R. Ward, of same city, and later studied with Joseph S. Carr, mentioned above. He was admitted to the bar in November, 1895. Mr. Hale was a delegate to the Republican state convention in 1894; was elected city attorney of Jerseyville in April, 1897; was nominated by Republicans for the office of county judge in 1898, but declined the nomination.

Charles N. Noble was reared on a farm in the southern part of the county, where he was born in the year 1869. He attended the Jerseyville high school, where he graduated in the spring of 1892. During the summer of 1891 he studied law in the office of Judge A. M. Slaten. He attended the Northwestern University Law School, in Chicago, for one year, and in February, 1894, he was admitted to the practice of law in this state.

F. M. Edwards, born in Delhi, Illinois, August 25, 1873, completed a four-years course of study in Shurtleff College, in 1892, and in the following year entered the Gem City Business College, in which he was graduated in 1894. His law education was begun with the firm of Hamilton & Hamilton, of Jerseyville, and completed in the law school of Washington University. He was admitted to the bar in 1897. Mr. Edwards is located in his native town.

H. P. Noble was reared near Grafton, Illinois, where he was born August 5, 1873. After graduating in the Jerseyville high school, in 1894, he entered upon the study of law in the office of C. N. Noble. He was admitted to the bar in 1896 and immediately thereafter opened an office in Jerseyville, where he is at present engaged in his profession.

J. J. Hughes received his education in the public schools of Jerseyville, Jones Commercial College, Northwestern University Law School, and Kent College of Law. At the completion of this extensive preparation he was admitted to practice, in March, 1895. Mr. Hughes was born in Jersey county, in October, 1871.

CHAPTER XXI.

THE BENCH AND BAR OF EFFINGHAM COUNTY.

CONTRIBUTED BY BENSON WOOD.

EFFINGHAM COUNTY was organized in 1831. Its county seat, located where the Cumberland road crossed the Little Wabash river, was named Ewington, in honor of Hon. W. L. D. Ewing. Hon. Theophilus W. Smith, associate justice of the supreme court, presided at the first term of the circuit court, May 20, 1833. Hon. Thomas Ford, afterwards governor, was the judge at the May term, 1835. From that time until 1843 the court was held by Hon. Sidney Breese, who, upon his election to the senate of the United States, was succeeded by Hon. James Semple.

At the October term, 1840, James Shields made his appearance. Court opened the 19th day of the month. Shields was appointed by Judge Breese attorney-general pro tem., on the 20th, and prosecuted a state case. On the 21st he filed his petition for naturalization, stating his birth in Tyrone county, Ireland, on May 17, "about 1810." He was admitted to citizenship the same day on his first papers, having declared, in his petition, that he came to the United States more than three years before attaining his majority. The advancement of General Shields, as all know, was somewhat rapid. If I mistake not, he had already served a term or two as a member of the general assembly. He was auditor of public accounts the following year. In less than three years he was one of the associate justices of the supreme court, and in March, 1844, came back to Ewington and presided over the court that had naturalized him less than three and one-half years before. The record of his naturalization fails to show that he had any witnesses. The original papers are not to be found. Probably they went as evidence to the United States senate to which he had been elected for the term beginning March 4, 1849. He was denied a seat in that body, not having been a citizen for nine years prior to his election. A special session of the legislature was, however, called after he became eligible. He was again elected and took his seat, succeeding Judge Breese. While this is not the place to give a history of General Shields' remarkable career, it might not be amiss in this connection to say that his wonderful luck did not desert him. He was brigadier-general in the Mexican war, and was desperately wounded at Cerro Gordo. His brilliant military record made him United States senator from Illinois. He afterward removed to Minnesota, and then to Missouri, and represented both those states in the United States senate. Besides, he was a brigadier-general in the war of the rebellion.

Hon. Gustavus Koerner, associate justice, held the court from 1845 to 1849;

then came Hon. W. H. Underwood, circuit judge, who was followed by Hon. Justin Harlan in 1851, and he by Hon. Charles Emerson in 1853. Judge Emerson held the court for ten years, and seems to have been the most highly regarded by the people and the bar, according to reports of "old settlers." By a change in circuits, Hon. Charles H. Constable, an able lawyer and elegant gentleman of the "old school," presided from 1863 to October, 1865. He died at Effingham while holding a term of court.

The foregoing covers briefly the war and ante-war history of the bench in Effingham county. All of these judges were prominent characters in the history of the state; all were men of marked ability and purity of character.

The attorneys for the state who appeared during this period were: Wickliff Kitchell, attorney-general, and State's Attorneys W. H. Underwood, Phillip B. Fouke, Alfred Kitchell and John R. Eden. Underwood was afterward circuit judge, and Fouke and Eden members of congress.

The greater number of the members of the bar who tried cases at old Ewington were from other counties, and "rode the circuit" with the judge. Levi Davis, Ferris Forman, Elam Rust, Anthony Thornton, Samuel W. Moulton, M. C. McLain, John P. St. John, Tevis Greathouse, Josiah Fisk and Arthur J. Gallagher were some of the more prominent. Thornton and Moulton have both served in congress. Forman was colonel of an Illinois regiment in the Mexican war. Thornton was also judge of the supreme court, and Gallagher was, for a term, an able and upright circuit judge. St. John was twice governor of Kansas.

Eli Philbrook, Kendall H. Burford, William B. Cooper, Henry D. Caldwell, Benjamin F. Kagay, Henry B. Kepley and Wesley Watson were local attorneys during portions of the same period, residing at Ewington or, after the removal of the county seat, in 1862, at Effingham. Philbrook, Burford, Watson and Cooper are long since dead. Cooper was a Massachusetts Yankee and was one of the most brilliant lawyers of southern Illinois. He was major of the Ninety-eighth Illinois Infantry in the war of the Rebellion. Caldwell was a captain in the Fifth Illinois Cavalry. Watson was a sergeant in the Twenty-sixth Illinois Infantry. Kagay has served as a member of the general assembly and as mayor of the city of Effingham. Kepley is high up in the councils of the Prohibition party, of which he is an active and influential member. Both Kagay and Kepley are still active practitioners at the bar.

During the first thirty years following the organization of the circuit court there was but twice a failure to transact business at any of the terms. The April term in 1836 was opened and immediately adjourned for the term by Judge Breese, on account of "absence of jurors, by reason of high water, and indisposition of the judge." There is a tradition that at the May term, 1840, the judge, attended by the attorney-general and the goodly company of lawyers that rode the circuit with him, put in their appearance the afternoon of the second day. The gentlemen did not dismount, but sat upon their horses in front of the courthouse. The clerk, sheriff and jurors came out to greet them, and the judge, still sitting upon his horse, opened court then and there. The grand jury was selected and sworn, when the clerk reported no cases on the docket to try, and the fore-

man reported no business before the grand jury. The judge adjourned "till court in course," and the procession proceeded along the old Cumberland road to Greenup, the place of holding the next court. The time spent was less than ten minutes. There is a slight corroboration of this tradition. There is no record whatever of any spring term of court in 1840.

One of the earlier clerks of the circuit court was Hon. W. H. Blakely. He was appointed by Judge Breese in 1835 and served some twelve years, when he was elected a member of the constitutional convention of 1848. He was a New Yorker by birth and a man of intelligence and fine judgment. His records are models of neatness, accuracy, legibility and correct orthography. He was twice a member of the general assembly,—in 1851, and again in 1873. He died in 1878.

Some of the clerks were wont to spell words quite differently from the way of Walker and Webster. There is a record of an indictment for "purgery." Whether the offence consisted of "swearing lies," or was a species of malpractice will perhaps never be known in the absence of the original papers.

According to the accounts of the pioneers of those early days, there was very little money in circulation, and less need of any than is now the case. Lawyers' fees were low and were paid mostly in produce and live stock. The successful practitioner, financially, was the lawyer who could best collect, handle and dispose of this kind of pay. McLain was said to have possessed good ability in this line. While he was living at Lawrenceville tradition declares that he reached home from a trip on the circuit the 4th day of July, and found an heir had been born to him that morning. He was greatly elated. He entertained his friends at the "grocery." He filled a hollow log with powder and fired it, blowing off the corner of a church building on the next lot. He then opened gates and let down bars, turning loose all of his live-stock, of which he had a large number—a stallion and two Durham bulls among the rest. He told his hired man to quit work. He declared that every person and animal about him should have liberty that day in honor of the event, and the next day went among his neighbors and satisfied all damages done. He named the new-comer "Liberty McLain." He died not long since at Indianapolis, where the son, an honored citizen, resides.

After the war law business greatly increased, and with it there was a larger number of judges. From 1865 to 1873 Hiram B. Decius, of Cumberland county, was circuit judge. He had great success, and no one who has presided over the circuit court, before or since, has had a larger number of judgments affirmed by the supreme court. James C. Allen succeeded him in 1873. Judge Allen had served three terms in congress, one term as clerk of the national house of representatives, had been a member of the constitutional convention of 1870, and also a member of the general assembly. In 1877 John H. Halley was elected an additional circuit judge, and Allen went upon the bench of the appellate court, where he remained for two years. He has since served a term as postmaster at Olney, where he lives. He is still a practitioner. Judge Halley was a Virginian by birth. Before the war he was a member of the Missouri legislature. He was a

lieutenant-colonel in the Confederate army,—a bluff Virginia gentleman of the old type, a man of strict integrity and no small ability.

Since 1879 the circuit judges have been C. S. Conger, Thomas S. Casey, William C. Jones, Carrol C. Boggs, Silas Z. Landes and E. D. Youngblood. The present judges are Samuel L. Dwight, William M. Farmer and Truman E. Ames. Judge Landes has twice represented his district in congress. Judge Boggs is now a member of the supreme court. Judge Casey, who died some years ago, was a member of the state senate and was colonel of the One Hundred and Tenth Illinois Infantry in the late war. Judge Dwight was captain in one of the Illinois regiments.

For several years after the war John Scholfield and O. B. Ficklin were regular attendants upon the sessions of the circuit court. Ficklin had been a member of congress from 1843 to 1849, and again from 1851 to 1853. Scholfield served as state's attorney and member of the legislature, one term each. He was a member of the constitutional convention of 1870, and died in office, after a service of twenty years on the bench of the supreme court. Illinois never had an abler lawyer or more upright judge than John Scholfield.

Foreign attorneys have traveled the circuit very little since 1865. Among those who occasionally attended the courts were George R. Wendling, James A. Connolly, Thomas Brewer, James C. Robinson, George W. Wall, Thomas J. Golden, Richard W. Thompson, Horace S. Clark and Jacob W. Wilkin. All these have filled places of distinction.

The members of the local bar in addition to those before named have been Benson Wood, Sylvester F. Gilmore, N. P. Robinson, William H. Gilmore, S. E. Pearson, W. H. Barlow, W. B. Wright, Virgil Wood, R. C. Harrah, E. N. Rinehart, A. W. Lecrone, D. L. Wright, F. W. Loy, H. S. Parker, W. S. Holmes, G. F. Taylor, B. Overbeck, A. S. Loy, C. H. Kelly, T. E. Gilmore and Jacob Zimmerman. Benson Wood, A. W. Lecrone and W. H. Barlow served in the late war, having each the rank of captain. S. F. Gilmore was a non-commissioned officer. Robinson was a member of the legislature. He has been dead a number of years. W. H. Gilmore, Barlow, Lecrone and Pearson have also died. S. F. Gilmore and W. B. Wright have held the office of judge of the county court. Harrah, W. H. Gilmore and Zimmerman have been state's attorney. Rinehart has twice served in the state senate. Benson Wood has been a member of the legislature and has also represented the district in congress.

With the passing of the foreign attorney who traveled the circuit there has been a lack of amusing incidents and the good fellowship that characterized the courts of former years. There has been more work at night in law offices, and less talk and hilarity at hotels. But some good things have occurred in court well worth preserving. Judge Hooks, of the county court, at the close of the evidence in a long-spun-out trial limited the attorneys to ten minutes, and the jury to fifteen minutes in which to make their verdict. Under that admonition the jury came into the court-room with their verdict promptly on time. Judge Parks, of the same court, made much use of the word "disperse." If the attorneys got to wrangling he would bid them to "go on and disperse with the case." If they

THE BENCH AND BAR OF ILLINOIS.

were "pollyfoxing" for delay he would tell them that "the case must be perished." He once declared that he knew his judgment was right, because lawyers on both sides were mad." A German juror who was being touched by his understanding of the English language, replied that he "knew what the witness say, but not much what the lawyer say." Judge Hooker ironically remarked that "The court often labors under the same difficulty, but ruled that the juror was entirely competent. At the first fall term of the court held by Judge Decius, "Uncle John" — and two others rose in opposition to the inquiry whether any member of the jury had any excuse to offer; they should not serve. One pleaded sickness of himself; another sickness of his family. When Uncle John was asked to state his excuse, he said: "Judge, I have not gathered my hickory nuts yet, and the woods are full of them." Ficklin, who was present, volunteered in Uncle John's behalf, and insisted that it was a valid excuse, and the court discharged him. Indeed, the reputation of the judge for fairness and justice would have greatly suffered, in the eyes of the audience, had he done otherwise.

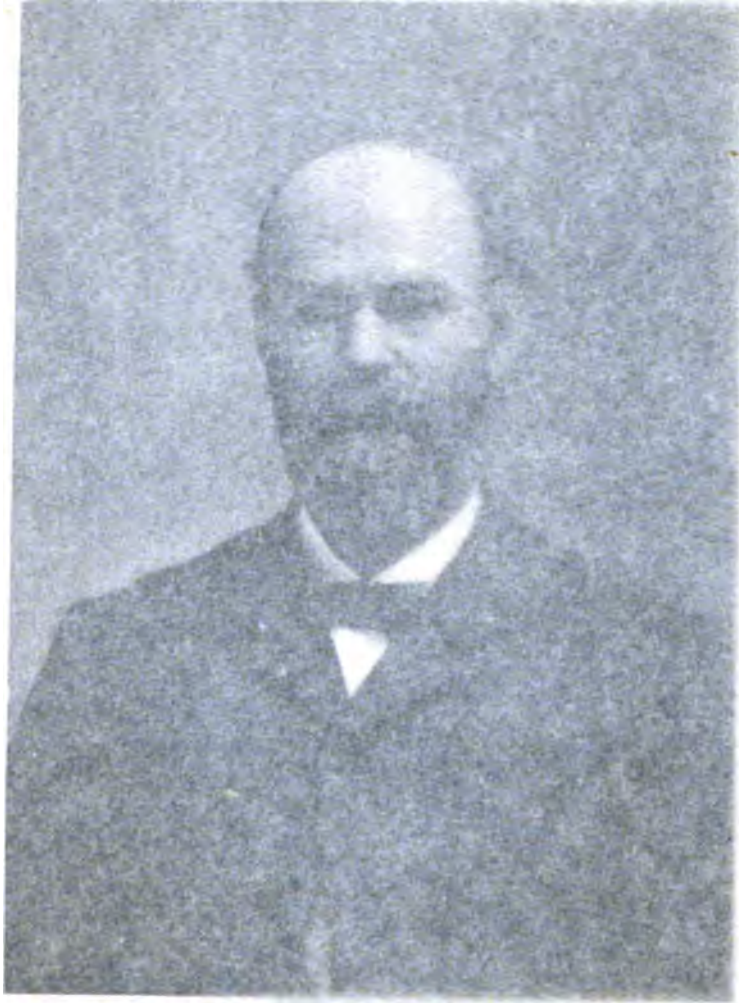
If this were a history of the bench and bar of Effingham county it would not be complete without something concerning justices of the peace and the practice before them. But the state would hardly have room to contain the books, if all these good things were written. Changes of venue in the early days were very frequent, and each party was allowed one, and that after he had obtained the "Court" on some motion decisive of the case, and it had been decided in his favor. The rule quite generally prevailed, and to some extent does yet, of deciding the case in favor of the party who brought it to the justice by the change of venue. With some justices, "costs" were the principal thing,—law and evidence, facts and accidents. The party who was "good for costs" hardly had a fair show, unless his opponent was equally good. In all matters of misdemeanor over which justice had jurisdiction, "three dollars and costs" was the regular portion of the doer who was found guilty, no matter how aggravated the offence was. In some instances, one, and even two justices were invited to sit in the trial of civil cases with the justice before whom the suit was brought.

But some, yes, many, of these old justices of the peace were men of fine character and strong character. John Broom, George M. Sharp and Samuel Fortney were long in office, and their decisions would have been a credit to any circuit court. All have passed away,—the last named but quite recently. Fortney was an old-fashioned Democrat of the "states-rights" school,—a believer in the "resolution of '98." He was orderly sergeant of Captain Lee's company of the Fourth Regiment of Illinois Volunteers in the Mexican war, and, it is said, learned to read and write while filling that position. He was strictly honest and upright, and was a most excellent officer and citizen. Before the war was officially declared to be ended, he held that that part of the federal law which made an unstamped instrument inadmissible as evidence in a state court was unconstitutional,—not in just that language, however. He once said: "Congress nor nobody else has any business to say what kind of evidence goes into my court." At the same time he informed the party who had put forward

the document that he had "lain himself liable" to severe penalty, at the hands of the United States courts, by his failure to put on the requisite stamp. This doctrine, put forth in this homely way, was afterward held good by the supreme court of the United States.

John Conant White was prominently identified with the bar of Effingham for many years and won a position of distinctive preferment as a member of the legal profession of southern Illinois. In this profession, which embraces many of the most brilliant minds of the state, it is difficult to win a name and place of prominence. Many aspire, but few attain. In commercial life one may start out on a more elevated plane than others; he may enter into a business already established, and carry it still further forward; but this is not true in the case of the lawyer, for he must commence at an initial point, plead and win his first case and work his way upward by ability, gaining his reputation and success by merit. Persons do not generally place their legal business in unskilled hands; it is the man of power before judge and jury who commands public patronage. Of this class Mr. White was an illustrious type. He began as all others do in the practice of law and his prominence came to him as the reward of earnest endeavor, fidelity to trust and recognized ability.

Mr. White was born in Forestville, North Carolina, May 21, 1846, and in 1855 removed with his parents to Greenville, Illinois. He was a student in Almira College, of which his father was president, and in 1863 entered the model department of the State Normal University at Normal, Illinois. The following year he was a student in the Chicago University and in the fall of 1865 matriculated in Shurtleff College, of Upper Alton, Illinois. At the close of his junior year he entered Brown University, at Providence, Rhode Island, in which institution he was graduated with the class of 1869. Having now gained a broad general knowledge, he determined to take up a special line of study in order to fit himself for professional life, and began reading law in the office of Judge Samuel Reber, of St. Louis, with whom he remained until 1871, when he came to Effingham. Here he read law, J. N. Gwin and W. B. Cooper being his preceptors, and in 1872 was admitted to the bar. Forming a partnership with Hon. E. N. Rinehart, they practiced together until 1873, when Mr. White became a copartner of Judge S. F. Gilmore. That connection was continued until 1883, when Judge Gilmore was elected to the bench of the county court. In December, 1886, Mr. White became a partner of W. B. Wright, and the firm of White & Wright maintained a very prominent position at the bar of southern Illinois until his death. As a lawyer he was capable and well trained, a strong advocate before the jury and concise in his appeals before the court. He was so thoroughly well read in the minutæ of the law that he was able to base his arguments upon thorough knowledge of and familiarity with precedents and to present a case upon its merits, never failing to recognize the main point at issue, and never neglecting to give a thorough preparation. His pleas were characterized by a terse and decisive logic and a lucid presentation rather than by flights of oratory, and his power was the greater before court or jury from the fact that it was his aim ever to secure



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Yours truly,
John C. White



justice and not to enshroud the cause in a sentimental garb or illusion which would thwart the principles of right and equity involved.

Mr. White was married August 25, 1875, to Miss Nellie J. Bliss, daughter of Rev. A. Bliss, a pioneer minister of the Methodist Episcopal church, and for many years a member of the Southern Illinois conference. Their children are: Mary and Nellie K., deceased; Bliss C., Annie and John B. Mr. White was a prominent Mason in Effingham Lodge and was recognized as one of the leading Republican workers, his eloquent and convincing oratory proving an important factor in many of the state campaigns. In 1888, however, his views differing from those of the party, he allied his forces with the Democracy, and in writing of this a local paper said: "Mr. White has evidently studied the one great issue deeply and thought of it profoundly. In the acquisition of so gifted a man as John C. White the Democracy is to be congratulated. He is no demagogue; he has not changed through the promise or hope of office; he is thoroughly conscientious and thoroughly in earnest. He will make his appeal to the higher aims and the nobler purposes of the people and will sow seed that will grow for all time."

Mr. White died at his home in Effingham December 12, 1888, and perhaps we cannot better give an estimate of his professional and personal worth than to add to this record letters that were written to Mrs. White on his death and resolutions passed by the bar. The latter read as follows:

Whereas, It has pleased Divine Providence to summon John C. White, an honored member of the Effingham county bar, from the scenes of earthly tribunals to a court where equal and exact justice is meted out to all, seasoned with mercy; and

Whereas, He has been a true counselor to his clients, a successful advocate of their causes in our courts, and a hard and laborious student at law for the sake of right, always a friend of the court, courteous to his brethren in the profession, just to opposing counsel and litigants in the trial of causes, respected by all, esteemed by the profession as a lawyer of great attainments who loved his profession because it aided the cause of justice; a good citizen, discharging every obligation and every trust with fidelity; a kind and indulgent husband and father; therefore be it

Resolved, That in his death the bar of this county has lost one of its most able and honored members, our city and county one of its most useful and valuable citizens, his family a loving husband and father, and that we tender to his bereaved wife and children our sympathy and mourn with them, in this their darkest hour of affliction.

R. C. HARRAH,	} Committee.
B. WOOD,	
S. F. GILMORE.	

From T. R. Burch, general agent of the Phoenix Insurance Company, came the following letter:

Mrs. John C. White,

Chicago, December 20, 1888.

Dear Madam: The painful though not unexpected intelligence has been received of the death of your husband, and we desire to express to you our sincere sympathy on this occasion of your sorrow. We have known Mr. White for several years and have learned to value him very highly, both as a gentleman and as a business man. His connection with the legal department of this company has given us great satisfaction. His gentlemanly deportment and clear insight concerning the equities and the law involved in propositions that were submitted for his consideration had im-

pressed us with his great superiority as a lawyer and as a just and humane man. We cannot recall the loss of any one whom we more deeply regret so far as our own affairs may be affected. We know his loss to you is infinitely greater. In his relations as husband and possibly as father, we can imagine that he possessed many qualities that endeared him to you and to the community of which he was a part.

At the time of your recent visit to our office, while no mention was made of the fact, we felt that he held to life's tenure by a weak hand, and that possibly we should not see him again. Of course it is a common thing for our friends and our associates to drop out of the line in which we are accustomed to walk. Nothing is more common than death, and perhaps there is nothing that we should regard with greater favor. We who have traveled along in the hard and dusty roads of life, receiving but little for our labor and our pains save vexation and disappointment, do not prize too highly the gift and we have come to doubt whether life or death is the greater boon. The loss is to you, we are assured, and not to your husband. He had lived to learn in life's difficult school the vanity and worthlessness of those things for which men chiefly strive. He had seen that wealth and ambition are not worth the labor they cost. But one thing he has proven of advantage. We refer to growth of character. He had obtained the full stature of a noble and fully developed man, morally and intellectually. He had acquired that wealth and those prizes that suffer no detraction, no depreciation submitted to any standards of value, whether here or hereafter. What he has gained in those particulars have added to the permanent value of his soul and will follow him in any life to which he may be born. You will find much comfort in the recollection that you have been associated in life and enjoyed the opportunities of so close a communion with so good a character and so noble a type of a gentleman.

Yours with great respect,

T. R. BURCH.

Dr. B. F. Wise, state agent of the Phoenix Insurance Company, wrote of Mr. White: "He was one of the brightest men I have ever known, and a highly accomplished and genial gentleman, thoroughly a master of his profession. We will find no more John C. Whites for a long time to come; in fact, I believe he had no superior in Illinois and very few equals." Such words well indicate the life of Mr. White. He was a man of very strong character, fearless in defense of what he believed to be right, and his influence was a potent factor for good in the community. His record forms a part of the history of southern Illinois and his memory remains as a welcome benediction to all who knew him.

Ferdinand W. Loy was born March 10, 1859, in Effingham county, Illinois. His parents, Thomas M. and Susanna (Wright) Loy, have long since departed this life. His father came to this county in 1832, emigrating from the state of Alabama, and aided in organizing Effingham county. He filled a number of offices in the county; was the first probate judge of this county; was county surveyor, county clerk, and represented this and Fayette county in the legislature at an early day. His wife also was an early settler, coming from the state of New Jersey. Her people were Quakers.

The subject of this sketch attended the common schools of this county, taught three terms of school and read law in vacation. He afterward attended the normal school at Valparaiso, Indiana, for one year, and then determined to complete his law course. He secured the position of principal in said school, and in this way he earned his expenses while taking the course in the law department of that institution, graduating in 1881. He was afterward admitted, by the su-

preme court, to practice in Indiana and Illinois. He is a self-educated and self-made man in every sense of the word, having depended upon his own exertions from his youth, and in a business way he has been successful.

Hon. Benjamin F. Kagay has been identified with the legal profession for forty-three years, and is the oldest practicing lawyer in Effingham. His ambition and earnest purpose in early life soon enabled him to attain to a leading position among the successful practitioners, and he has ever maintained a place of distinctive preferment among those who have devoted their energies to the law in southern Illinois. He has won for himself very favorable criticism for the careful and systematic methods which he has followed. He has remarkable powers of concentration and application, and his retentive mind has often excited the surprise and admiration of his colleagues.

Mr. Kagay was born in Fairfield county, Ohio, February 27, 1831, and is a son of A. B. and Sarah (Hall) Kagay. His mother was of Scotch-Irish extraction and the father was directly of German descent, but his ancestry could be traced back to Switzerland, whence originated the family that has now numerous branches in America. In 1715 John Kagay, emigrating to this country, located in Pennsylvania, and afterward removed to the Shenandoah valley. He had three sons, one of whom became a resident of the Shenandoah valley, while the second remained in Pennsylvania, and the third emigrated to Canada. Among the children of the latter was a son who engaged in the John Brown raid at Harper's Ferry, and was killed near that place. There have been four emigrations of the Kagay family to this country, the first being John Kagay in 1715, the second Johormes Kagay in 1739, the third Rudolph Kagay in 1764, and the fourth Simon Kagay in 1818. In Switzerland the family name is spelled Kagi, but in America it has various spellings, including Keagy, Kagy, Kagay, Kagey and Cagy. However, the ancestry can all be traced to a common source.

Benjamin F. Kagay of this review acquired his elementary education in the schools of Findlay, Ohio, in which town his father had located in 1832. In 1841 the latter removed with his family to Ewington, Effingham county, Illinois, where he engaged in the saddlery and harness business, and in 1843 he was elected county clerk. Educational privileges in the town were very meager. A strolling school-teacher would usually be employed to take charge of the school during the three-months winter term, and such schools Mr. Kagay attended. Writing and singing masters would also organize classes, likewise a teacher of geography, and through such means, by diligent study, Mr. Kagay fitted himself for the profession of teaching. He was employed to take charge of a school in the "lost township" of Fayette county, Illinois, his pupils, some of whom were older than himself, coming from Clay, Effingham and Fayette counties. While thus engaged he boarded around among his students. Later he took several courses in penmanship, after which he taught that art in Marion, Fayette, Effingham, Clay, Bond, McLean and Sangamon counties. Thus passed the time from 1851 until 1853, after which he engaged in teaching in the common schools in Effingham, Fayette and Shelby counties.

At the age of eighteen Mr. Kagay began reading law and mastered Black-

stone's Commentaries under the instruction of Eli Philbrook, the second lawyer to locate in Ewington, Effingham county, Illinois. During the year 1853 he taught school in Fayette county and at the same time pursued a course in the study of law under the direction of Mr. Crump and William Campbell. In August, 1854, he was licensed to practice in the courts of Illinois, and the following year opened an office in Ewington, then the county seat of Effingham county, at which time his father was serving as county treasurer. On the removal of the county seat to Effingham in 1860 he opened an office in the court-house at that place and has since been an honored and prominent member of its bar. In 1862 he formed a partnership with William B. Cooper, and for twelve years the firm was employed on one side or the other of every important case that was tried in the circuit court during that period, their clientage being very extensive. Since the dissolution of that partnership Mr. Kagay has been alone and has continued actively in practice up to the present time. While he was well grounded in the principles of common law and admitted to the bar, he has continued through the whole of his professional life a diligent student of those elementary principles that constitute the basis of all legal science. He prepares his cases with great care and his addresses before the courts are models of clearness and logic. He is ever faithful and true to his clients' interests and as a result has been connected with the most important litigation of his district.

From his boyhood Mr. Kagay has been interested in military affairs and early learned to play the tenor drum. His knowledge in this direction was utilized in summoning the volunteers for the Mexican war and also the war of the Rebellion and at the old settlers' reunions. This faithful drummer still calls the people to the place of meeting. His service in civil office began as clerk of the board of trustees of the incorporation of the town of Ewington in 1855. He filled the position of supervisor of Douglas township, Effingham county, for three terms from 1869, was president of the town of Effingham from 1864 until 1867, and when the city was incorporated in the latter year he was elected its first mayor. In 1871 he was elected to represent Effingham county in the state legislature to fill a vacancy occasioned by the death of David Leith. For four years Mr. Kagay served as police magistrate, was city attorney of Effingham for four terms of two years each, and for thirty years has been a notary public. Politically he followed in his father's footsteps and became a Whig; in 1858 he supported James C. Robinson for congress; in 1860 he voted for Douglas for president, and from that time to the present has followed the fortunes of the Democratic party. In early life he belonged to the Methodist Episcopal church, but is now inclined to the belief of the Unitarian church, although he is not identified with any religious organization. Since 1857 he has been a valued and faithful member of Effingham Lodge, No. 149, A. F. & A. M., in which he served as worshipful master for a number of terms, while of Effingham Chapter, R. A. M., he has been high priest for a number of years.

The home life of Mr. Kagay has been very pleasant. While teaching penmanship in Fayette county he became acquainted with Miss Martha J. Stearns, a daughter of Dr. Abraham and Ann S. Stearns, and after a short courtship they

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were married, February 6, 1853. Her parents were pioneer settlers locating in the state during its territorial days. Her father was a native of Tennessee, and her mother belonged to the Thompson family of Kentucky. Mrs. Kagay became the parents of five children, three of whom are living. One who is engaged in the real-estate and insurance business in Effingham, and has one son, B. F., Jr., aged ten years, and a daughter, Bessie I. seven; Laura K. is the widow of A. B. Judkins, of Springfield, Illinois. Mrs. Kagay died September 23, 1897, since which time she has removed to Los Angeles, where she lives with her two children, Aline and Alvin Franklin, aged respectively sixteen and twelve years; and Mattie K., wife of O. P. Bray, of Indianapolis, a passenger conductor on the Vandalia line, by whom she has one son, Orvill Perry, aged ten years.

In 1890 Mr. Kagay visited California, where he remained one year, during that time obtained a license to practice law in all the courts of the state. He is still an active and able member of the bar of Effingham and has won high distinction by the capable manner in which he has cared for the litigation brought before him. His name has been long conspicuously identified with the bar of Effingham county and he is a worthy representative of that type of lawyer, characterized by that progressive spirit which promotes public good in a community and individual prosperity and conserving popular interests.

Captain Henry D. Caldwell, long numbered among the honored citizens of Effingham county, deserves special mention as having been one of the brave soldier boys who shouldered arms in the defense of the Union, and in the long, weary campaign carried the old stars and stripes to victory. At his country's call he was ready to cheerfully lay down his life for her good, and this supreme sacrifice was not required of him, something almost as precious as health, was the price he paid for the preservation of the principles of equal rights and union for which he struggled. With characteristic reticence and modesty he frequently sums up his army life in one short sentence, but the detailed history of the long, arduous marches, hard-fought battles, skirmishes with the enemy, exposure to all kinds of weather, lack of food and proper clothing, etc., would fill a volume. He was always faithful, prompt and reliable, always at his post of duty, and the praise and hearty commendation of his superior officers were accorded him. Beginning his army service in the ranks he was gradually promoted, and was finally commissioned captain of his company. His duties did not stop there, however, for upon different occasions he was the officer in charge of various battalions of his regiment and also of his regiment and brigade. He won the respect and loyalty of the men under his command, as well as the esteem of those who were in authority over him, and in many a gallant act of bravery and daring brought fresh honors to the Union cause.

In tracing the ancestry of Captain Caldwell we find that he springs from sturdy English-Irish stock, some of the most sterling characteristics of each race being descended to him by inheritance. Born January 21, 1825, in Russell county, Virginia, he is a son of Andrew Caldwell, who was of Irish parentage, and probably a native of the Emerald Isle. The mother of the Captain was a Miss Jerusha E.

ton in her girlhood, her parents being English people. Mrs. Caldwell died when her son, our subject, was but ten years old, in Shelby county, Illinois, whither the Caldwell family had removed some years previously. Her mother, whose surname was Dickinson, was also English. Andrew Caldwell resided in this state for some fourteen years, from 1830 to 1844, his death occurring in the year last named. During the war of 1812 he served as a lieutenant in a Virginia regiment, and later was a member of the state legislature there. He was a man of education and prominence, respected by a large circle of friends. Having decided to seek a new home and wider opportunities in the growing west, he took his little family to Illinois. For some time he resided near Mattoon, Coles county, and subsequently he made his home in the town of Chester, Randolph county.

The early years in the life of Captain Caldwell were spent in the Illinois of pioneer days, when privations and hardships were a matter of course. Cabins were rudely constructed; had dirt floors, chimneys built of clay and sticks, and great wide doors, large enough to drive a yoke of oxen through, so that the huge logs which were to be burned in the fireplace could be taken into the house with little effort on the part of the inmates. The hardy pioneers, who were obliged to rely entirely upon themselves in every essential, were really men of genius, as may be gathered from the fact that in the construction of the cabins of those days in this state, not a nail or strip of iron was used, the deficiencies being supplied in various ways. Wooden pins served for hinges to doors and shutters, and a wooden latch, with the "latch-string always hanging out," in the hospitable language of the period, was a sign of welcome to the rare passer-by. Primitive and simply-constructed bedsteads, benches and tables constituted all the furniture of the humble cabin, save a chest, perhaps, and a few treasured articles, brought from the far-away eastern home. A gun, powder-horn and bowie-knife were in evidence in these pioneer habitations, and many a meal was supplied by the skilled shot of the man of the house, who brought in wild game of various sorts.

As may be inferred, the subject of this narrative had but limited opportunities for gaining an education. For a short time he attended a subscription school and after he grew to manhood he went to the Sullivan (Indiana) Seminary for two or three terms. When he had become a strong, sturdy youth, he commenced flat-boating on the rivers, and followed this pursuit for several years. Being of a studious disposition he put in many a leisure hour with his books, and after he had left the pleasant river life he even went to school again for a short time. He began the study of law then, and started in practice, giving all his energies to his profession up to the outbreak of the civil war. Next, he followed his army service, he being one of the first to enter the ranks of devoted patriots and one of the last to leave, as he would not have done, had his country longer needed him. Poor health has always been his portion since, and for a number of years he has been practically retired from business on this account. The boys who wore the blue have always been very near and dear to his heart, and for years he has been a valued member of the Grand Army of the Republic. Politically, he has ever been an uncompromising politician, supporting the party nearest his convictions and avoiding sectionalism. He voted for Bell and Everett, but has since voted the

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Republican ticket. Among his old friends and associates of the bench were J. C. Emerson, of Decatur; Elam Russ, of Greenville, prosecuting attorney; John S. Kelley, clerk of the circuit court and master in chancery; Sa Park, sheriff; Eli Philbrook; James Ladow, etc.

The first marriage of Mr. Caldwell was with Sarah A. Edwards, the being solemnized in Darwin, Clark county, Illinois, on the 20th of March. She died June 30, 1860, at Teutopolis, Effingham county. All of the four children born to them are deceased, two having died in infancy and the others in early years. The Captain married his present wife, who was then Miss Ann M. in Moultrie county, Illinois, April 17, 1864. Their six children were Charles, Robert A., Franklin L., Walter T., Wert B. and Jack. Charles W., Wert B. and Jack survive.

Hon. Rufus C. Harrah of Effingham is one of the representative members of the bar in this section of the Prairie state. Moreover, he is one of the pioneers of Illinois, and for forty years has been actively interested in everything relating to the commercial and public prosperity of his adopted state. In the various important offices of distinction and responsibility which he has filled he has found entire satisfaction to the general public, those of his own profession and those interested in the proper management of civic affairs. While he stands as an exponent of the Democratic party platform, he is not a partisan in the narrow sense, but is broad-minded and liberal, devoted to the good of his fellow men.

Born in Putnam county, Indiana, in 1846, Mr. Harrah was a lad of twelve years when he accompanied his parents to Jasper county, Illinois. The country was sparsely settled at that time and he was obliged to walk three miles to school, which, however, he attended only in the winter season, the rest of the year being devoted to farming. He was a quick, intelligent student and with the money which he earned in teaching school for three years he paid his tuition in the common schools and in Westfield College. When in his fourth year at the college he left its halls in order to begin the study of law. His preceptor was J. N. C. of this city, and it was not until 1874 that he was admitted to the bar, for, in the meantime he was elected and served as a police magistrate. In that capacity he met with commendation, and in 1877 he was honored by a re-election. He continued to act as a magistrate until 1880, when he was further honored by being elected state's attorney. During the long period—some sixteen years—of his service as such he made a record of which he has just cause to be proud. Neither fear nor favor had any influence over him, and at all times he earnestly sought to bring the guilty to justice, though no trace of ill will or unfairness was ever servable in his treatment of defendants.

At the same time that he was officiating as state's attorney Mr. Harrah conducted an extensive law practice for himself, but never did he allow the one to encroach upon the other. He is particularly well versed in law and has met with marked success at the numerous times that he has appeared in cases before the supreme court and the appellate courts of the state. Among his other victories was that in the case of the American Express Company versus the People, in which

supreme court, where he successfully defended the constitutionality of the present game law.

Having had abundant opportunity to know what the courts of the state cost the people, he is the more solicitous on their behalf and has a much higher idea of his duty toward the great commonwealth than many members of the bar possess. He is firm and unyielding when he has become convinced of the rights of a case, and unwaveringly carries out his convictions of duty. With one accord, his associates in the legal profession render him praise and honor, and regardless of party they gave him their support, when, in the spring of 1897, he was a candidate for the circuit judgeship.

CHAPTER XXII.

THE BENCH AND BAR OF CUMBERLAND COUNTY.

CONTRIBUTED BY FLAVIUS TOSSEY, OF THE TOLEDO (ILLINOIS) BAR.

CUMBERLAND COUNTY was stricken from Coles in 1843. The first term of circuit court was held in October, 1843, and annually thereafter two or three years. Greenup was the county seat until, after divers votes, at which no point received a majority, Prairie City (now Toledo) received a majority of votes in 1855, after which the books were removed to the latter place, which has been the county seat ever since.

The terms of court at Greenup were held in a log school-house (long since non est) a hundred yards, or thereabouts, south of the Conzet House. This hotel, on Cumberland street, or "National Road," has never passed out of the Conzet family, and, thoroughly modernized, under its present owner, Charles Conzet, and his estimable wife, with the same old well of fifty-five years ago, is celebrated throughout this section of the state as a resting place for the weary traveler, even as the old hotel, then known as tavern, was in the long ago, with the venerable father of its present proprietor at its head.

William Wilson, one of the supreme judges,—I think chief justice,—of the state, held the first two or three terms of court. I remember reading in Parsons on Contracts, in my law-studying days, copious extracts from this judge's opinion as supreme judge in a case of Talbott, Monohon and others, taken from this county to the supreme court, perhaps in the '50s. Aaron Shaw, of Lawrence county, was prosecuting attorney for some terms of court in the early days. Among other members of the bar whose voices were heard in the old log school court-house were Kitchell and Allen, of Crawford; Constable, Harlan, Dulaney (the last still living), of Clark; Joshua W. Ross, of Fayette; Linder, Ficklin, Cooper, of Coles; and in one case brought by change of venue, Abraham Lincoln, of Sangamon.

The writer has heard "old settlers" say that Lincoln's method of argument was cool, dry, without ornament, but hard-headed and deep. He defended a man for assault to murder,—a serious offense in those days,—but the defendant was convicted, and, if recollection be not at fault, was pardoned. I have an old table, since the county seat has been at this place, cast out as worthless furniture many years ago, and purchased of the sheriff for seventy-five cents, said to have been the table at which Lincoln and others spoke in those old times. There were doubtless other "circuit riders" from other counties who attended court in those old days, but memory does not now recall them.

Elisha H. Starkweather was the first resident lawyer in Cumberland county, having dwelled upon a farm which was then in Hurricane precinct, and practiced

his profession before the formation of this county, at Charleston, Coles county. After the formation of this county he removed to Greenup, and continued practice, being at the first court held. He was an old "common-law" lawyer, and while not ornate in delivery his pleadings developed a thorough mastery of Chitty. He was born and educated "down east," and was as well deep in literary as legal lore. He was Cumberland county's first master in chancery and served a term or two in the legislature. After the Terre Haute, Alton & St. Louis Railroad was located through Charleston, he removed to that point, but continued to practice in our Cumberland circuit courts until his death,—in 1862 or 1863, I think. Alla N. Rosecrans now lives upon and owns the "old Starkweather farm" in Union township (formerly Hurricane precinct), this county.

James LaDow was among the early resident lawyers of this county, living at Greenup until his death—about 1859—and practicing there until the county-seat came here; afterward he practiced here, but kept his residence at Greenup. He was highly esteemed by his brethren of the bar and by his neighbors during the short time he was permitted to dwell in their midst. His widow, Mrs. Lucy P. LaDow, was appointed postmaster at Greenup in 1861, and is said to have been the first lady postmaster in the United States.

L. W. Templeton was a brilliant early-day lawyer who lived in Greenup. In the midst of what appeared to presage a prosperous career at the bar the death-call came, and he had to respond, about 1859 or 1860.

The last term of court held by Judge William Wilson was the May term, 1848. The annual terms had shifted from October to May, and soon thereafter the terms were held semi-annually. The constitution of 1848 coming in force, the supreme judges ceased doing circuit duty, and judges were elected specifically to hold circuit courts.

Justin Harlan, of Marshall, Clark county, was the first regularly elected circuit judge to hold court in Cumberland county. His first term was at Greenup in May, 1849. One of his most important cases was *The People versus Samuel Olmsted and Polly Olmsted*, for murder of two children of the former. The first special term held in this county was begun December 9, 1851, and the caption of the old Complete Record for that term is in Judge Harlan's writing,—showing that said special term was held "for the indictment and trial of Samuel and Polly Olmsted, now in jail on a charge of murder." They were indicted at this term, and admitted to bail, in two thousand dollars each, to the next term, when a change of venue was granted to the Clark circuit court. They were finally tried in Clark county, and the father, Samuel Olmsted, acquitted; the step-mother was found guilty and sentenced to the penitentiary for five years. When taken to the prison, she being enceinte, the warden refused to receive her, and she was returned to this county in charge of the sheriff and died soon afterward. There are a few old men who talk of this case yet. It was then a celebrated case all up and down the then sparsely settled Wabash valley. There was strong talk of lynch law, but good order finally prevailed,—whether right or wrong. Linder, Constable and many other distinguished old-time lawyers, whose names I cannot recall, were in this case, and its hearing attracted people—all overland—from a

half-dozen counties in southeastern Illinois, and some from across the Wabash on the Indiana side. Samuel Olmsted had "parted" from his first wife, married this murderess and, after her call to Satan, one or two other women. After their death, he became repentant, and he and his first wife in their old age were reunited—the marriage ceremony being performed by their son, Benjamin B. Olmsted, then a justice of the peace, a prosperous merchant and farmer and an excellent citizen, who passed his declining years at Johnstown, this county.

Justin Harlan served the people faithfully until 1861. He was an erudite lawyer, a just judge, and God's noblest work,—an honest man. At different times during his judgeship the number of his circuit was changed,—sometimes a county dropped or added. He held courts in Coles, Shelby, Edgar, Effingham, Clark and other counties—among them Douglas, after its organization in 1855, from Coles county. He did more circuit duty, tried more cases than, and gave as good satisfaction as, all three of the latter-day judges in country circuits of to-day. He did not rush matters, but gave every case its due time for trial. He was a great whittler, would fashion chains, charms, etc., from pine, and appear to be taking little notice of a jury trial, but when a question of competency of evidence arose, or the time for instructions arrived, it was soon seen that not a detail of the case was escaping his notice.

James C. Robinson, after the Mexican war, engaged in the practice of law. He dwelled on a farm near Westfield, Clark county. I presume his first plea in a circuit court was before Judge Harlan. Mr. Robinson frequently attended our courts. In 1860 he was elected to congress from the district of which our county was a part, defeating James T. Cunningham, of Coles county, one of the best men that ever lived, and father of the now venerable John Cunningham, editor of the *Greenup Press*. Mr. Robinson was re-elected a time or two, as I recollect, before he removed to Springfield, where he died in 1886. As he was long a partner of General Palmer, the editor of this work, I shall trespass no further with details as to him, than to say that the last time I saw him was at Charleston, in 1886, a short time before his death, in company with Colonel Ficklin, who also departed this life soon afterward.

James Polk Robinson and Nathaniel P. Robinson (sons of James C.), the former then living at Olney, the latter at Effingham, used to practice in our courts. James P. died in the west, where he had won laurels as a practitioner; Nathaniel P., after a few years in Texas, where he was thought to have regained health, dropped dead in a drug store in Terre Haute, I think. The last time I saw these two bright brothers was at the St. James hotel (formerly the Madison House), in Marshall, in March, 1884.

In 1856 William W. Craddock was presented by the Republican party as a candidate for state's attorney—that officer then traversing the circuit with the judge. "Crad" was an unusually bright man and practitioner, oratorical, argumentative and witty. The Democrats of the circuit were at a loss whom to pit against him, but finally chose a young man, from Clark county, who had not long before graduated at the Louisville Law School. In those days it was customary for opposing candidates to make a joint canvass of counties or circuits or districts,

public debates being held at most of the towns or voting places. The first debate between Craddock and the new candidate was at the court-house in Prairie City (now Toledo), and many Democrats were nervous as to how their nominee would fare. It was a well fought battle. The new candidate made his mark at once. His name was John Scholfield. He was elected, and made a vigorous prosecutor, refusing re-election. As is well known, he died two or three years back, a supreme judge of Illinois, elected as such without opposition in his district, after having declined an appointment to the chief-justiceship of the United States supreme court,—more honored in his refusal to accept this latter place, where the people have no voice, than he would have been in accepting. His opponent in the state's attorney's race, Mr. Craddock, died, I think, at Mattoon, in the prime of life, highly esteemed by all who knew him, and possessed of one of the most brilliant intellects that graced the bar of this section of the state.

About the first man sentenced for contempt in this place was an old fellow who looked on the raw liquor when it was strong. His favorite expression, when boozing, was a prolonged whistle, followed by the words, "Whoop! That's the obstacle!" One day while court was in session the old fellow rolled into the court-room, and listening a moment to some advocate lunging forth bursts of eloquence to a jury, soon electrified the audience with—(Prolonged whistle)—"Whoop! That's the obstacle!" Amidst the roars of laughter and the discomfiture of the attorney that followed, was heard the voice of Judge Harlan, directing the sheriff to "remove that obstacle until to-morrow morning, at a charge of ten dollars and costs." The common jail of the county not yet being built, the old fellow escaped incarceration. Right here we might pause to remark that prior to the removal of the county seat to this place, large sycamore gums, heavy and well covered, had served as the bastille for offenders during term time,—Clark or Coles counties furnishing jail facilities between terms for prisoners of our county. Afterward a small one-story brick building was built in this town and called a jail, and it still exists—a disgrace to the county and to civilization, and has been condemned by the grand juries of the county for the past quarter of a century.

In the early '50s, at Greenup, Thomas Brewer, who had served his county as sheriff, was admitted to the bar, became a partner of Hon. E. H. Starkweather and so remained until the latter removed to Charleston. After the permanent county seat was located at this place he at once bought land near the town, erected a commodious dwelling, removed here and remained here until his death. While brought up in a new country and in an early day, the son of a pioneer, without those facilities for education afforded even a few years afterward, he was possessed of a wonderful fund of natural sense and eloquence. He was a shrewd observer of events and men, and, while not a close student of the law, well remembered every proposition he had learned, either by reading or in actual practice. He was eloquent and persuasive and resourceful. His force before juries was wonderful, and I think never excelled, if equaled, in our county. He was elected to the general assembly in 1858, and to the state senate in 1874. His eloquent voice has been heard in campaigns all over eastern Illinois. By honesty and rea-

sonable frugality, not parsimony, he acquired a competence, but was not wealthy. He never gave up farming entirely at any time. In his latter years he ceased his law practice, save occasionally to aid an old friend or some one in distress, and became a licensed minister of the Methodist Episcopal church, of which for almost a lifetime he had been a consistent member. He never preached for pay; he gave hundreds of dollars, yes, thousands, to the poor, to the church, to the ministry, wherever he felt it was needed, receiving nothing. Where words of comfort were needed in death, he was there. Although not of the same faith, such was our esteem for him as a man and as a minister and life-long acquaintance that he preached the funeral sermon of John B. Tossey, a brother of the writer, who was cut down in early manhood, in October, 1885. That same evening Mr. Brewer exhibited symptoms of some kind of throat trouble. In November, 1886, the end came. His had been a busy and a useful and a Christian life, and his loss was universally felt and mourned. He was buried in the family lot in the Toledo cemetery, the funeral being in charge of the bar of this and surrounding counties. His last words were: "All is well." Among visiting attorneys at his funeral was Hon. Thomas L. McGrath, of Mattoon, then state senator of the district of which Cumberland county was a part. The writer and he walked together from Mr. Brewer's residence to the Methodist Episcopal church. Mr. McGrath was then badly crippled by rheumatism, and only a couple of years afterward—in December, 1888, I think—just after re-election, he was suddenly called hence.

About the year 1857 Hiram B. Decius was admitted to the bar. He was a native of Fairfield county, Ohio, but came to this county with his parents when very young. He was elected county judge in 1861, but before his term expired was elected representative to the legislature for the counties of Cumberland and Clark. Shortly after the expiration of his term in the legislature he was elected to the circuit judgeship, to complete the term of Hon. Charles H. Constable, who died at Effingham during a term of court. Judge Decius was re-elected in 1867 for the full term, serving until 1873. After his term expired, in 1873, he resumed the practice of law, and continued therein until his death, which occurred in September, 1882.

His was an active, energetic life. He was an indefatigable worker and student. His judgment as a lawyer was almost unerring, and his decisions in the cases taken from him to the supreme court were nearly unanimously sustained. He "rode the circuit" for years as a lawyer, and in most of the counties in which he held court he had to traverse the distance by land. He too, like others of the circuit judges of years ago, did more work, held more courts and heard and disposed of more cases at a much smaller salary—I think twelve hundred dollars a year—than all three of the judges in the latter-day circuits.

As a lawyer, after his retirement from the bench, he was engaged in many of the leading cases in adjoining counties, as well as nearly all in his own county. Among important cases tried before him as a judge were the celebrated Champaign cattle cases, about the year 1870, involving the constitutionality of certain legislation against Texas cattle. He held favorable to the constitutionality of the law, and his decisions were upheld by the supreme court. He defended in the

celebrated Long Point murder case, in 1876, his associate counsel being Judge J. W. Wilkin, now of the state supreme court, and L. N. Brewer, of this village. The defendants were acquitted. He was also leading counsel in a great deal of litigation growing out of the construction of the old Grayville & Mattoon, now the Peoria, Decatur & Evansville, Railway. He was about fifty-two years old when he died, and he left a competency to his four surviving children. Of these, Lyle, now of the firm of Everhart & Decius, is now in the active practice of his father's chosen profession.

Back in the trial of the celebrated Champaign cattle cases above mentioned, among the counsel whom I remember were Judge C. B. Smith, Judge Summers, Judge Scholfield and O. B. Ficklin; there were others whose names I do not now recall. Still further back, before Judge Decius' election to the bench,—in fact, about the year 1861, there was a celebrated replevin case between two good old farmers,—both with fat pocketbooks—over the ownership of a calf, worth probably five dollars "in coin of the realm." It was brought by appeal to the circuit court, and was tried twice, with the result of disagreed juries, after numerous continuances, and the sending to the army in the meantime for divers depositions of men who knew something about the case and who had enlisted. Among the counsel were Messrs. Thomas Brewer, Decius and Ficklin for the plaintiff, and Messrs. Craddock, Scholfield and Ethelbert Callahan for the defendant. I recollect Judge Scholfield making an able argument bearing on the instinct of the calf—then grown to a large steer—in going in the direction of the farm of the defendant; to this Colonel Ficklin responded that he had not heard of Mr. Instinct being sworn in the case. Eventually the suit was decided in favor of the defendant, the mistaken identity being plain.

George C. McCune came here about 1857 and engaged in practice. I think he came here from Shelbyville, having previously come there from a prolonged trip with the "49ers" to California, and having ere that gone from Ohio to the Mexican war. He was a well read lawyer, but had a temper of large dimensions, which was often taken advantage of by opposing counsel to his disadvantage in the trial of cases. Previous to leaving Ohio he had been a preacher of universal salvation, and away back about 1837, according to John A. Gurley's "Star in the West," he was "churched" for licking a toll-gate keeper who said the rule passing preachers over a bridge at half-fare didn't apply to Universalist preachers. The only time I remember seeing the old gentleman engaged in active hostilities was at a school election, where he challenged the vote of a fellow son of Erin; whereupon canes and chairs were broken, a head or two likewise, before the school officers could quiet the "muddle." "Mac," as he was familiarly known, succeeded with Judge Constable in clearing one Shafer, of the northeast part of the county, of a charge of assault to murder, before a jury, Judge Harlan presiding, about the year 1859 or 1860. Mr. McCune died in 1867 and his remains were deposited in Salem cemetery, by the side of those of his wife, who preceded him two or three years.

About 1857 or 1858, one John K. Youstler came here to practice law, but soon hunted pastures new. Well, the new court-house, in the midst of the old

frog-pond, and a few straggling houses, was not a very entrancing field for young limbs of the law, foot-loose to look for more imposing locations. But the little straggling village has grown, and still grows, and those members of the bar who anchored here have had no cause for regret.

After Mr. Starkweather removed to Charleston, in 1857, H. B. Decius (above mentioned) was appointed master in chancery, remaining in that position until his elevation to the judgeship, when William H. McDonald was appointed,—of whom further notice will appear soon hereafter.

In 1860, Douglas and Coles counties being in this circuit, Hon. James R. Cunningham, of Charleston, was the Democratic, and Hon. Joseph G. Cannon, then of Tuscola, the Republican, candidate for state's attorney—that office remaining a circuit office, as it should yet be, and was until 1872. These gentlemen both canvassed the circuit, not jointly, however; but Cunningham was elected. He was an honest, faithful lawyer, well read in the old writers, and was an efficient officer. He was county judge a term or two at Charleston, in his latter years, and died there a few short years ago. His unsuccessful opponent afterward went to congress, removed to Danville, and continues in congress.

Silas S. Whitehead, then and yet of Marshall, was elected state's attorney in 1864 and in 1868. He still practices here.

William H. McDonald, from Ross county, Ohio, came here in 1864, and is now practicing at Greenup. He was master in chancery from about 1865 till 1874; was state representative in 1872 and state's attorney from 1888 till 1896.

About 1865 David B. Green began practice. Two or three years afterward he formed a partnership with Clinton Woods, then late of Moultrie county, which partnership still continues. Lyle C. Woods, son of Clinton, was admitted a year ago, and has an office in same building.

Leonidas L. Logan, from Indiana, came here in 1865 and is practicing yet. His partner is Walter C. Greathouse, formerly of Edwards county. Mr. Logan was state's attorney for the county a short time in 1872, and has served as county judge two terms. At one time he was in partnership with James B. Atchison, now in the state of Kansas.

In 1873 James C. Allen, then of Crawford, now of Richland, county, was elected circuit judge, and served till 1879. In 1874 he appointed William W. Whitney, of Neoga, master in chancery, who served till about 1878. He was a lawyer, but was engaged in banking. He died five or six years ago.

Levi N. Brewer was appointed master in 1878, by John H. Halley, who was elected judge in same circuit with Allen in 1878. Judge Halley served till 1879. He died recently at Antlers, Indian Territory. He was from Virginia, but long a resident of Newton, Jasper county. Mr. Brewer served as master until 1880, and was succeeded by James L. Ryan, appointed by Judge William C. Jones, who, with Thomas S. Casey and Chauncey N. Conger, had been elected judge for the second district in 1879. Mr. Brewer was again appointed in 1884, and served till 1897. He is the son of Hon. Thomas Brewer, previously mentioned; was admitted in 1875 or 1876; was in partnership some years with Judge Decius, and is now enjoying a good practice.

Thomas C. Brewer, a brother of Levi N., was making a bright young lawyer, when, at the age of about twenty-seven, in January, 1890, he was cut down by death. He was buried with the honors of Oddfellowship.

Norman L. Scranton came here from the Shenandoah valley in 1860; has practiced since 1865, and now has a successful business at Casey, Clark county. His son, Hiram L. Scranton, was admitted in 1884, was elected state's attorney the same year and now has a good clientage at Greenup.

William C. Prather has been practicing since 1877; was elected state's attorney in 1880, and still resides and practices here. Andrew J. Lee learned the law with Judge Eckols of Greencastle, Indiana; came here in 1865, was elected state's attorney in 1872 and has now retired from practice. Thomas Warner, elected state's attorney in 1876, was for some time a partner of Thomas Brewer. He now lives in Fayette county.

Winfield S. Everhart and Flavius Tossey were respectively admitted, at Springfield in January, 1878. Until Judge Decius' demise, Mr. Everhart was his partner. The firm is now Everhart & Decius—Lyle Decius (a son of the late judge) having been admitted in the spring of 1896. The firm has a large practice. F. Tossey still resides here.

In 1885 Judges Jones and Conger were re-elected. Judge Casey, as able a judge as ever held court anywhere, moved to Springfield and died there. He was succeeded by Carroll C. Boggs, who was re-elected when S. Z. Landes and E. D. Youngblood were elected in 1891. He is now supreme judge. During their terms Judges Jones and Landes held most of the courts here.

James L. Ryan, who was appointed master by Judge Jones, in 1880, and who served till 1884, was a well read lawyer and was successful in his practice till he joined the Baptist church, in 1891, and he has become one of its ablest ministers. He resides at Greenup. His brother, William L. Ryan, was a bright lawyer and noble man, but was cut down by death in 1897,—the result of injuries received by the burning of the building in which he had rooms. They were both graduates of Ann Arbor, Michigan.

Peter A. Brady, a lawyer since 1873, was born near the Lincoln homestead in South Coles. He has his share of practice, residing at Greenup. In 1878 C. B. Castelo and L. W. Leith, who had read with that eminent lawyer, Major W. B. Cooper, who died some years ago at Effingham, opened an office here. Mr. Leith soon received a government appointment and left to accept it. Mr. Castelo is still in practice here.

Albert F. Bussard, appointed master in 1897, was a member of the firm of Osman, Duncan & Bussard. W. A. Osman went to Chicago; J. A. Duncan returned to Crawford county; Mr. Bussard continues in practice and has his share.

Charles M. Connor was admitted two years ago, and is doing his share of work for a new attorney. He graduated at Bloomington Law School. Smith Misner read law with L. N. Brewer; was admitted to the bar and was elected state's attorney in 1896, and is doing his duty. Irving J. Brown and Alvin C. Voris are Neoga attorneys, each with a fair commercial practice. Each is a law-college graduate.

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Lieutenant Charles L. Smeidel, who died at Memphis in 1864, completed his law studies with Brewer & Decius before volunteering here from Philadelphia, and was a splendid scholar and man. G. A. R., at Greenup, is named in his honor. Nathan Harvey died in Indiana, in the midst of a good practice. He practiced here in Conover, who died a good lawyer, at Bloomington, was born in 1864-5.

David A. Lyle, United States Army ordnance department, in 1864, read law for life-saving stations, completed a course of law reading with Decius here, when he was appointed to West Point from Fairfield, his residence, by Congressman Finck.

George C. Mathes, who died at Charleston and was buried with the Knights of Pythias lodge, was born in this county, read law with Woods, and was admitted in 1883 or 1884. He was just gaining a good practice.

Judge Thomas B. Wall, now of Wichita, Kansas, is an old county boy; likewise Douglas Kirkling, late prosecutor in Hutchins, likewise Samuel C. Miller, prosecutor, Kansas City, Kansas. John V. died, a brilliant lawyer, at Butler, Missouri. He learned the law with Warner here and the late Judge Halley at Newton. John M. Humpl of Cumberland, is sojourning here for the present, after many years practice in Kansas.

Charles S. Cooter, a graduate of the Bloomington Law School, in this county, began practice here two or three years ago and now in Chicago. Jacob O. Wallace, now of Moweaqua, formerly practiced with Lewis Decius, cousin of the late Judge Decius, now practices in Ne reading with W. S. Everhart and being admitted in this state; likewise Fisher, prosecuting attorney, at Chadron, Nebraska.

McLain, Hamlin & St. John was a law firm at Charleston in the McLain afterward engaged in nursery business; H. J. Hamlin had prominence and practice at Shelbyville; John P. St. John made 1 Kansas. They have all been here years ago in our courts.

Eli Wiley, who died in 1897, at Charleston, used to attend here on The firm is now (H. A.) Neal & (Charles S.) Wiley. E. P. Rose, who died at Mattoon a few years ago, was well known as a practitioner in Major J. A. Connolly, now in congress from the Springfield district, Charleston, frequently attended our courts. Charles C. Lee, A. J. Frye, Chezem, of Charleston; Horace S. Clark, John F. Scott, James W. C. Phipps, L. C. Henley, Emery Andrews, Bryan Tivinen, of Mattoon Wood, E. N. Rinehart, S. F. Gilmore, W. B. Wright, R. C. Harrah, H. of Effingham; T. J. Golden and J. W. Graham, of Marshall; Judge Thornton and S. W. Moulton, of Shelbyville; G. W. Fithian, J. W. G. C. A. Davidson, of Newton, have at times practiced in our courts, and temporary with our attorneys. Robert E. Hamill, formerly of Marshall Springfield, frequently practiced in our courts.

In 1897 this county became a part of the fifth judicial district. A

election F. Bookwalter, of Danville, H. Van Sellar, of Paris, and Frank K. Dunn, of Charleston, were chosen judges. Judge Dunn is giving satisfaction. He appears to be a jurist similar to ex-Judge Landes, who is now practicing in the lower district, which means that he is making an able jurist.

In November, 1885, vandals destroyed the court-house and nearly all the records—the main object appearing to be to get rid of the records—by fire. The reminiscences herein set out have been necessarily mostly from memory. The writer flatters himself that, though by stress of circumstances and necessary economy of space, these matters are briefly set out, they are in substance accurate. If this article has, in the least, served to preserve, from utter oblivion, the memory of many of the jurists and practitioners named therein, and to make kindly mention of all, as well the living as the dead—the writer must be content.

Judge Leonidas L. Logan is well known in the eastern part of Illinois as a leader of the Cumberland county bar. He resides in Toledo. He was born in the neighboring state of Indiana, at Brookville, July 31, 1832. When he was six years of age his parents, Dr. Benjamin and Margaret Logan, removed to Brownsburg, Indiana, where he attended the common schools, acquiring a good English education. He began reading law under the instruction of Robert Harrison, of Lebanon, Indiana, in the year 1862, and was admitted to the bar at that place in 1865. In the meantime, however, he had engaged in other lines of business. He had continued his residence in Brownsburg until 1853, when he was married and removed to a farm, devoting his energies to agricultural pursuits until the fall of 1859. In that year he removed to Fayette, Boone county, Indiana, where he engaged in merchandising, and during the same period took up the study of law.

After his admission to the bar, Mr. Logan removed to Toledo, Illinois, in September, 1865, and was licensed to practice in the courts of this state in the year 1866. He has met with a fair degree of success, securing a good clientage, which has brought him a comfortable living. In November, 1882, he was elected judge of the court of Cumberland county for a four-years term, and after a retirement of four years was re-elected to the same office in 1890. On the bench he was conscientious in the administration of justice and took into careful consideration all the evidence and the law applicable thereto, while in private practice his devotion to his clients' interests is a recognized fact. His political support has always been given the Democracy.

In 1867 Judge Logan became a member of the Independent Order of Odd Fellows and took all the degrees. He has maintained his residence in Toledo for a third of a century, and is widely and favorably known. He was first married in October, 1853, in Hendricks county, Indiana, to Sarah Morris, and unto them were born four children: Arkansas, born in 1855; Oran W., in 1858; Izara, in 1860; and Vina, in 1865. The wife and mother died in 1884 and the Judge was again married in 1887, his second union being with Elizabeth Seely, of Bloomfield, Indiana, by whom he has two children: Leonidas and Leone E., twins, born July 22, 1888.

CHAPTER XXIII.

AUTOBIOGRAPHY OF JOHN M. PALMER—SKETCH OF THE LIFE OF WILLIAM H. BISSELL.

IN THE following personal sketch* prepared for the history of the State of Illinois, my original intention was to offer to the reader only such facts as relate to my professional and judicial history. I have found it impossible to make my life story connected without brief references to circumstances growing out of my political, military and executive engagements. With these brief prefatory observations, I begin the sketch of my life.

I was born in Scott county, Kentucky, on the 13th day of September, 1781, and was removed by my parents to Christian county, in the same state, in the year 1785.

My earliest recollections go back to a new and then sparsely settled part of southern Kentucky. My father, Louis D. Palmer, was born in Norton county, Virginia, on the 3d day of June, 1781, and was the third son of John and Ann McAuley Palmer, who were both born in that county, the first on the 1st day of November, and the latter in April, in the year 1747; they came to Christian county, Kentucky, within a few months of each other, the oldest in that part of the state.

My mother, Ann Hansford Tutt, was born in Culpeper county, Virginia, where her father, Louis Tutt, and her mother, Isabella Yancey, were born in the year 1750. Their ancestors were early settlers in Virginia, the Tutts from England and the Yanceys from Wales.

My grandfather Palmer, in his quiet, stubborn way, took part in the Revolutionary contest; he appears upon the roll of Revolutionary soldiers as "a quiet man," and received a pension for his services.

The settlers of southern Kentucky established schools that met the demand for instruction in the essential branches of education as they were then understood, reading, writing, and arithmetic as far as the "rule of three;" later, English grammar, according to Lindley Murray, was introduced, but grammar was for many years treated as one of the optional studies, being considered rather ornamental than useful. My teachers, Isaiah Boone, a relative or a descendant of the famous Daniel Boone, and Hezekiah Woodward, a professional teacher, were competent instructors, and used the rod, of good sound hazel or hickory, with great effect. I received my fair share of instruction and punishment and do not distinctly recollect when I could not read.

The time of our residence in Christian county, from 1818 to 1831, was marked with important political and social discussions and changes; I have a very

*Prepared at the special request of the publishers.

tinct recollection of the great contest between what were known as the "old and the new court" parties, which commenced by certain rulings of the court of appeals, supreme court of the state. The lands in Kentucky were generally held under titles derived from the state of Virginia, of which Kentucky had been a part, and the negligence of the land officers and the careless manner in which surveys had been made led to a confusion of boundaries in Kentucky. The courts of the state were crowded with suits which involved conflicting surveys or imperfect transfers and other questions of like character, to the ruin of hundreds who had bought lands in good faith and had made improvements on them. In order to relieve the unfortunate settlers the legislature of the state passed laws for the protection of occupying claimants, which, had they been enforced by the courts, would have made the recovery of lands against occupants practically impossible; at the same time the people were poor and in debt.

The legislature, in its efforts to relieve them, had created banks and attempted to make the paper issues of these institutions a practical tender in the payment of debts. The method of relief was by what were known as replevin laws. These gave to the debtor, after a tender of payment in bank paper, the right to a stay of execution upon judgments, on a tender of bond and security. The exact details of the methods provided by the statutes, by which the stay of execution was intended to be secured, are not important, for, whatever they were, the court of appeals (which consisted of John Boyle, chief justice, and William Owsley and Benjamin Mills, associate justices) held them to be unconstitutional, and upon that ground refused to enforce them. In 1824 an attempt was made by the legislature to remove the chief justice and his associates by an address to the governor, but in order to remove them the concurrence of two-thirds of each branch of the legislature was necessary.

The requisite "two-thirds" could not be obtained to the address, so the expedient was adopted of repealing the law creating the court, and in that way getting rid of the judges. The repealing bill also provided for the appointment of other judges of the court; the governor approved the repealing act, and appointed other judges, who, it was expected, would support the validity of the "relief laws." Chief Justice Boyle and his associates, Owsley and Mills, refused to recognize the validity of the repealing act or to surrender their records to the "new" court. The state had for a time two courts of appeals, and the people were divided into two parties, which, with great heat, supported the rival tribunals.

My father was a "new" court man, but Mr. Clay, who was then strong in the confidence of the people of Kentucky, and most of the other conservative men of the state supported the "old" court, and after a contest, characterized by great excitement, the "new-court" party was defeated. A majority of the legislature was elected favorable to the old court; this legislature repealed the law under which the new court was created. I have no doubt but that the new-court party was wrong, but the names of Boyle, Owsley and Mills, sometimes sarcastically called the "three kings," were for a long time odious to me.

In 1831 my father and family left Kentucky for Illinois, leaving me, with

my venerable grandparents, to follow them in October. My father settled on Paddock's prairie, about ten miles from Alton, and an equal distance from Edwardsville, where he built a log house, which he occupied in the spring of 1832.

I cannot forbear quoting from my own memoirs, "The Recollections of an Earnest Life," an account of my own journey from our residence in Kentucky to Illinois:

"After passing Hopkinsville, the seat of justice of Christian county, Kentucky, we took the route from that place by way of Princeton, in Caldwell county, Kentucky, to Ford's ferry, on the Ohio river, and thence, after crossing the river, proceeded by Equality, Mount Vernon and Carlyle to Edwardsville. This road, which was then, as far as Carlyle, the great route from southern Kentucky, middle Tennessee and North Carolina to central Illinois and Missouri, was crowded with 'movers,' who were making their way, by all the then known methods of travel, from the handsome family carriage to the humblest ox-cart. Many families traveled on foot, with a pack horse to carry their heavier movables, or to provide for the transportation of the smaller children. Such modes of travel are never noticed now to any extent; the railroads of modern life make scenes such as are described here impossible.

"After passing along the road which still runs some three miles west of McLeansboro, in Hamilton county, for a few miles, we came to Moore's prairie, the first we had ever seen, and as we advanced toward Edwardsville the prairies grew more extensive. The prairies then were scarcely marked by improvements, except very near the timber borders, for the early settlers dared not go out on the far-stretching plains; many persons told us that the prairies would never be settled, and for years I believed that prairie land more than two or three miles from the timber was practically valueless.

"But the prairie, in its natural state, was indeed 'a thing of beauty'; sometimes we would travel miles without seeing a habitation, or if houses could be discerned they would be situated at points of timber and at a greater or less distance from the roads; deer would be seen in herds, as if they had not learned to be startled by human presence. Nothing was more animating than the scenes we witnessed as we journeyed over these long stretches.

"Perhaps the imagination had much to do in finding objects of interest on the prairies, but to me they were enchanting, and after years of familiarity with the magnificent, undulating acres of the great prairies of Illinois and other western and northwestern states, now that they are all inhabited, dotted with cities, towns, villages and highly cultivated farms, they linger in my memory like a grand, restful dream."

The period to which I refer was one of great prosperity in Illinois; lands were entered, purchased from the United States, at one dollar and twenty-five cents per acre; population poured into the state, and employment was abundant on every hand. I remember that one winter, with a younger brother, we cut sawlogs on government land, and by that means earned forty-eight dollars. My father added the balance needed, two dollars, and the amount of expenses

at the land office, and I entered forty acres of land in my own name, which, after attaining my majority, I conveyed to my father. The next spring and early summer I drove a prairie team, four yoke of oxen attached to a twenty-four-inch plow; I worked at home when needed, and finally, in the summer of 1834, my father "gave me my time." This expression may have an amusing sound to the boys of this day, who will hardly consent to give their fathers their time.

One evening, while my father and self and younger brothers were discussing the subject of education and matters of that kind, my father said to me, in reply to some expression of a wish to obtain a good education: "Very well, sir, you owe me four years of service yet; I will give you that; go and get an education." I looked at him with an expression of surprise, no doubt, and asked in an excited, trembling voice, "When may I go, sir?" He seemed amused, and said, "To-morrow morning, if you like." I remember that I left the room to conceal my feelings. After recovering my composure I returned to the room where my father was seated, and sat for some time in silence, when he said, with signs of emotion, "I have no money to expend for your education, but a healthy boy as you are needs no help; you may go to-morrow morning. I give you your time. Do not disgrace me. May God bless you."

This scene still lingers in my memory. I had looked forward to the independence of manhood with the eagerness of hope; I had reveled in dreams of results to be accomplished; I had imagined myself a successful farmer, or lawyer or a soldier—successful in every employment; I meant when I got to be a man to be "rich, learned and happy." My brothers were to be happy and successful; and even then there would come into the picture a girlish face that was to figure in the successes which I imagined were to attend my entry upon the sphere of manhood.

Here was an offer made by my father to anticipate the day of my emancipation, to "give me my time." I accepted his offer, and as he had said it, I knew he would not mention it again. That evening I talked to Roy and Frank, my brothers, who seemed to be as much elated with the prospect before me as I was. Next morning, after an early breakfast, I left home on foot, without money or additional clothes. Both seemed to me unnecessary, for was I not going out into the world a free man, where clothes and money were abundant and to be had by any one who would earn them?

The boys started with me, and they called the dogs, three of them, our constant companions; they were to go with me to the top of the hill, a mile probably from the house. We had crossed the creek when the dogs started a rabbit; we waited for the dogs and then moved on.

My father was not at the house when I left, but he, too, had followed to a bluff we had passed, and from that point watched us. I did not then know *why* he stood watching, but I know now. When I reached the top of the hill, *there* we stood, reluctant to separate. After a while Roy said he knew where he could start a rabbit on his way home. He called the dogs and, without saying a word

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to me, ran off at his utmost speed, followed by Frank, and I was left with my newly acquired fortune, "my time," with all of its hopes and prospects.

The boys ran until out of sight. I very well understood the direction they ran, and would have been glad to follow and overtake them, but my destination was Upper Alton, where there was a school recently established, which was understood to be a "manual-labor school," and it was my purpose to enter that institution and pay my expenses by labor. I reached Upper Alton about one o'clock in the afternoon, and had made up my mind before that it would be necessary at once to find work. I had no doubt I could do so without difficulty. I needed no dinner; my dreams were my food, but as I passed along the principal street, soon after entering the town, I saw a man named Haney plastering a new frame house for Dr. C. Kell and turned off to where he was superintending or making a bed. I asked him if he wished to hire some one to make and carry mortar for him. He did. I had never made mortar for a plasterer. He put a shovel in my hand and told me how to manage the sand, the lime and other things. He watched me work a while, offered me seventy-five cents a day, told me I could get board at one dollar and a quarter per week, went with me to a boarding house and agreed to be responsible for me. I worked there a week and continued to work until the job was done. I do not remember the exact number of days this required, but I do remember that when I was finally paid, I had settled my board, bought a shirt and a pair of socks, I had all of my money left, which was, as I thought, clothes and money enough for anybody.

I then entered the college, and for a while paid my board by my own labor on Saturdays; I also, with my elder brother, Elihu, took a contract to cut the trees from a street leading from Upper Alton to Middletown. The trees were large white oaks; we grubbed them up and were well paid for doing so.

I remained at school in a desultory way until the spring of 1835, when the country was filled with rumors of the "Texas revolution," as it was called. My failure to carry out my intention to unite with the volunteers, organized at St. Louis to join the "Revolutionists," was caused by an incident that seemed very ludicrous, but was at the time a crushing blow. I had voluntarily made arrangements to join a few friends at Alton, take the stage for St. Louis, which it was expected would take us to St. Louis, where another boat was to be engaged to start for New Orleans on our arrival.

I spent the night before the morning fixed for my departure at my home, about two miles east of Upper Alton. I took leave of my relatives and left them filled with anticipations of the battle-fields in Texas, and started on foot, carrying a small pack of clothing, to reach the boat and then off for the field of battle.

I had gone a mile, perhaps, after leaving Upper Alton when I was stopped and taken by Mr. John Maxcy, whom I knew to be a constable of Upper Alton. He spoke to me kindly, inquired where I was going. I told him to go to St. Louis to take a boat for St. Louis, and from thence to Texas, to take part in the revolution. He handed me a paper, and said, "Here is something you have forgotten." To my astonishment the paper read:

"The people of the State of Illinois, to any constable of said county, greeting: We command you to take the body of John M. Palmer, if he be found in your county, and bring him forthwith before me, to answer the complaint of, etc." I had never seen such a paper before; it commanded the constable to arrest me, and to take me before the justice of the peace. The constable told me I could discharge myself by paying to him four dollars and a half and about one dollar and twenty-five cents costs. I assured him that I had not forgotten the debt, but had arranged with my cousin, Isaac Palmer, to pay it for me. He said that might be all right, but he must have the money or I must go back. Unfortunately, my whole stock of money did not exceed two dollars, so I went back, humiliated beyond measure.

I arranged the matter during the day, but to get the money I had to promise to go to work; the steamboat lost a passenger and the cause of Texas an enthusiastic supporter. I then went to work again, did not at once return to school, but paid the money I had borrowed, and then, in the May following, occurred one of those incidents which so much resembles fiction that I cannot forbear relating it.

Many persons now living remember Mr. Enoch Moore, whose remarkable form so often attracted attention. In 1836 he kept a tailor's shop in Upper Alton. One day I stepped into his shop and saw hanging up a suit of clothes. The coat and pants were of some cotton goods, which I cannot describe, and the vest was figured like calico.

Mr. Moore saw that I needed clothes, and that I looked at the suit with interest; he told me that he had made it for a person who had failed to take it, and offered it to me for twelve dollars. I had no money, and told him so. He asked my name, and when I told him said he knew my father, and added that he thought I could earn the money and pay for the clothes. I finally, with great hesitation, agreed to take them, and for the first time contracted a debt deliberately.

I have told the story of my arrest, which, I supposed, was applicable to all debts. During May and early June I paid most of the amount, and on the evening of July 3d I went to my father's with more than enough to pay the balance due Mr. Moore. My father, who saw the amount I had, and which the "boys" were counting with great satisfaction, said: "Go to-morrow and pay Mr. Moore and then you will be a free man, now you are a servant."

On the next day I went, accompanied by my brother Roy, to Upper Alton on foot, paid Mr. Moore, and had money left; went on to Lower Alton, spent freely (twenty-five cents) for cake and beer of the old kind, and reached my father's about sundown, a proud and happy boy.

In 1869, after I was inaugurated governor, I reminded Mr. Moore of the fact that he had sold me the clothes on credit and re-appointed him secretary of the governor, ex-officio fund commissioner, to which a salary of fifteen hundred dollars a year was attached.

In August, 1836, I was living in the south part of Macoupin county and attended house-raising and other amusements of like character, and witnessed,

and had opportunity for familiarizing myself with, the habits of the people, which were to me always interesting and amusing. The elections were then held on the first Monday in August, and although not a voter I attended an election held at the house of a Mr. Wood, south of where Woodburn now is.

There were three judges and two clerks of the election, and the method of voting was *viva voce*. One of the qualifications required of a voter was residence in the state for six months previous to an election. I remember that a man named Hoskins, whom I had not seen before, offered to vote, and when asked how long he had lived in the state said he came here in the month of April previous; the senior judge, after telling him he had not been in the state long enough, hesitated a moment, then asked if he had "had the chills?" He answered, "Yes, I had one yesterday, and feel one coming on me now." The judge said, "Put him down and let him go home, the chills are as good as a six months' residence." His vote was recorded. It may be well enough to say, by way of apology for the judges, that there was a large bottle of whiskey on the table, of which they had partaken liberally.

Accepting the rule adopted by the judges, I supposed, for several years afterwards, that having the "chills" was equivalent to six months' residence in the state. In September I returned to Upper Alton, where I spent most of the winter in school, working, in payment of my board, in the family of Rev. Ebenezer Rodgers, a Baptist minister, who had lately come into the state from Missouri. Mr. Rodgers was an Englishman by birth and the father of my friend, Colonel Andrew Fuller Rodgers, formerly of the Eightieth Illinois Infantry.

In December, 1838, I took a school for three months east of Canton, Fulton county, and while engaged in that school I determined to study law. I read Blackstone's Commentaries and McNally on Evidence.

My school ending about the middle of March, I decided to visit my father, who lived in Madison county, and my eldest brother, who lived at Carlinville, Macoupin county. I took passage on a steamboat from Utica to St. Louis, crossed the river on a ferry, and walked to Carlinville, which I reached on the 26th of March, 1839.

I then entered the office of Mr. John S. Greathouse as a student. Mr. Greathouse was one of the leading lawyers of the town and I had Coke on Littleton, with Hargrave and Butler's Notes placed in my hands for a beginning. I had read Blackstone's Commentaries much as every law student reads that excellent and learned work the first time.

It will be interesting to students of the present day, when law books are so multiplied that general treatises on any subject are to be found in the book-stores, as special works on all important subdivisions of the law and reports are found in law-libraries by the thousand, to know that the Reports of the Supreme Court of Illinois at that time were contained in one volume—Breese.

My preceptor, Mr. Greathouse, who was a well-read lawyer, had in his office a few volumes of English Reports, Coke, Raymond and Buller's *Nisi Prius*, Starkie and McNally on Evidence, and Chitty's Pleadings, then a comparatively new work. I have a few of these old books left still, but some of the

most ancient and rare have fallen into the hands of the "filchers" of rare books who have always looted the careless collectors.

It may be useful to students to state for their benefit my methods of study. I read carefully, with a glossary of law terms, and made full notes; I did not, in my notes, as a rule, merely quote the language of the authors, but my effort was to grasp the subject and state it in my own language. My conceptions of the meaning of what I read were often inaccurate, but I think, on the whole, the method was preferable to any other. It promoted brevity and terseness and aided in systematizing the knowledge acquired, and I think my experience justifies me in saying that knowledge of the law, acquired by the method I refer to, is much longer retained and more easily and intelligently applied to practical use than it can be when the student merely masters the words of his author, or instructor. I may add here—for I will not return to the subject—that it is essential to a successful study of the law that a student should master the history of the people with whom laws originate. Laws are but expressions of the feelings, habits and necessities of mankind, and can only be understood by a thorough familiarity with their history and with their applications and uses.

I was aided in my studies by that great promoter of diligence, poverty; I was compelled to earn something, and as there were some sales of land, and the volumes of the record were few, I examined titles and prepared deeds, and soon found some employment before justices of the peace. It was not long before I found myself able to meet my expenses, which, with board at one dollar, or one dollar and a quarter per week, did not exceed one hundred dollars a year. The only interruption of my studies was that my friends insisted that I should become candidate for county clerk, and I now know that the leaders of my party, when they insisted upon my candidacy, had no expectation that I would succeed. After the election I pursued my studies with great industry and made great progress in the acquisition of the mysteries of the law, so that in December, 1839, I borrowed five dollars from a friend to pay my expenses, and, as Mr. Greathouse was going to Springfield in his own carriage, he invited me to ride with him, which I did. (In my sketch of Judge Douglas I have given all the particulars of my admission to the bar.) I continue the quotation from my own Memoirs: After about two weeks of this life I tried a case before a justice of the peace in Carlinville and got two dollars and a half, and, as I had no wants, I paid two dollars of this to my poor landlord, Allison. During the first week in January I traveled about twelve miles to the head of Cahokia and tried a suit, for which I received five dollars, and after paying Allison four dollars of this, and fifty cents for my horse, saddle and bridle for the trip, I recovered my courage and in February started on foot to Edwardsville to attend the circuit court of Madison county, which was then in session. Judge Sidney Breese, afterwards so distinguished in the judicial and political history of the state, presiding. (I have given a sketch of the incident which followed my attendance in the Madison circuit court in the sketch of Governor Reynolds.)

At the May term of the Macoupin circuit court, after my admission to the

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bar, I was assigned to the defense of Aaron and William Todd, in (with others; William Todd was acquitted and Aaron Todd was c the murder of Larkin Scott, their cousin, and was hanged at Carli this time my business had so increased that it afforded me a comfo port, according to the simple habits of the times, and I think I ma from that time to the present I have never seen a day when I w employment. I do not mean to say that I have worked every day if idle it was not because I had not something to do.

I pass over the election of 1840, in which I took an interest, and Mr. Van Buren. After the election of 1840 I continued the practice c fession with great industry, and during this time won a fair share of l ness that reached the court.

On the first Monday in August, 1843, I was elected to the office c justice of the peace. That officer had jurisdiction of the probate bus also that of an ordinary justice of the peace. I held that office until 18 I was elected to be a member of the constitutional convention which a in Springfield on the 7th day of June, 1847. I was placed, at my owr on the committee on education, and made a report from that committ provided that "It shall be the duty of the general assembly to prov system of common schools which shall be as nearly uniform as may be out the state, and such common schools shall be equally free to all the in the state, and no sectarian instruction shall be permitted, in any o It was too early for the adoption of free schools, and the convention further attention to the subject.

On the first Monday in August, 1847, I was defeated for re-electio office of probate justice of the peace. In May, 1848, I was again electe office, my successor having resigned, and at the election in the Novem lowing I was elected county judge of Macoupin county.

In 1852, at a special election held to fill the vacancy occasioned death of the Hon. Franklin Witt, I was elected state senator from a composed of the counties of Greene, Jersey and Macoupin without opp and was re-elected a member of the state senate in 1854 from the same as an anti-Nebraska Democrat.

In 1856 I resigned my seat in the state senate, and afterwards was pr of the first Republican convention which assembled in Illinois. After th I continued the practice of my profession, and supposed I had abandone tics forever; in 1859, much against my will, I became a candidate for a the lower house of congress, and was defeated by Gen. John A. McCle in 1860 I was one of the electors at large, pledged to vote for Mr. Lincoln.

In 1861 I was a member of the peace conference which assembled in ington on the 4th of February of that year, and took part in its delibera and on the 9th day of May of the same year I was elected colonel of the teenth Regiment of Illinois Infantry at Jacksonville by the unanimous v the men composing the regiment. On the 25th of May, 1861, I was mu

(with my regiment) into the service of the United States for three years, or during the war.

When I left home, in May, 1861, I told my clients that the war would soon be over and that I would return at the September term of court and would attend to their business; but I was mistaken, for my resignation as major-general of volunteers was accepted on the first day of September, 1866.

My military history would be out of place in a work like this, but in February, 1865, I was assigned to the command of the Department of Kentucky by Mr. Lincoln himself, where many legal questions of a most embarrassing character arose which the department commander was compelled to decide promptly. Kentucky was excepted from the Proclamation of Emancipation, and it was never known whether it furnished more troops to the Confederacy or the Union.

My first report was made to the adjutant-general on the 24th of February, 1865. On the 22d of February, 1865, Colonel Robert J. Breckinridge, of the rebel army, was arrested inside of our lines as a spy.

The secretary of war happily relieved me of any responsibility for him by ordering him to be taken to Columbus, Ohio, as a prisoner of war. On the 3d of March, 1865, congress passed a joint resolution which declared the families of soldiers to be free, and then my troubles commenced. It is perhaps known that the marriages of slaves were not recognized by any of the laws of the states in which slavery existed; this made the enforcement of the joint resolution declaring the families of soldiers to be free particularly difficult in Kentucky and in other states and parts of states not embraced in the Emancipation Proclamation.

Another fact tended to still further complicate the question: When I took command of the Department of Kentucky a draft was impending; I do not remember what the quota of the city of Louisville was, but the masters of able-bodied slaves were selling them to the government for enlistment as soldiers, and in case the slave exhibited any reluctance to enlistment he was confined in either the jail or the slave pens that were conveniently situated for that purpose, so that I was compelled to appoint an officer to enquire into the case of all colored persons held in confinement by the civil or military authorities, with directions to report to me the causes for their detention. I ordered the discharge of all persons confined in slave pens by private authority, and in like manner from the jails, unless held for some criminal charge. It will be remembered that Kentucky was under martial law at that time.

There was at that time, and subsequently, a statute of the state which prohibited slaves to go at large and hire themselves out as free persons, and as the fact of the freedom of almost all colored persons was disputed it was sought to enforce the laws prohibiting vagrancy and the statute before adverted to.

Perhaps I can condense the whole matter by giving extracts from my communication to the mayor and a committee of the common council of the city of Louisville, dated May 11th, 1865: "I have the honor to acknowledge the receipt of your communication of yesterday's date in reference to the presence

and condition of the large number of colored people in the city of Louisville, in which you express apprehensions of pestilence from their crowded state and ask my co-operation in ridding the city of the evil. * * * Before replying to the general facts and views you express, allow me to correct the error found in your statement, that 'no arrangement was or has been made by the military authorities for the protection and support of colored persons coming into the city;' on the contrary, the wives and children of colored soldiers coming here, and those residing in the city, have been fed by the government, and all who could be induced to do so have been transported to Camp Nelson and there provided for, at the national expense, and the military authorities are still willing to provide in the same way for all of that class. But there are difficulties in the problem you present that cannot be solved by the enforcement of the laws against vagrancy, or by restricting the rights of the owners of slaves to allow them the small measure of freedom implied in permitting them to hire their own time and go at large as free persons.

"These people and their ancestors, for generations, are and have been natives of the state of Kentucky, and have all as strong local attachments as other natives of the state. Recent events, which need not be particularized, have disturbed, if not changed, their former relations towards those once their masters. What is now required is that their relations to the state be defined with reference to existing and not past facts. When that is done confidence between the races will be restored, each will again become useful to the other, and order and prosperity will take the place of the confusion and vagrancy which is now seen on every hand, to the alarm of all.

"As preliminary to this, and as a preventive to vagrancy, these people must be allowed to migrate at their pleasure and seek employment where it is to be found. Now, under the operation of laws obsolete for all useful purposes, and alive only for evil, colored men and women in Kentucky who might and would find employment elsewhere are forbidden to cross the Ohio river, except on almost impossible conditions.

"Capitalists who own and operate the boats that navigate the river (which has already led some minds to inquire whether the ownership of large property is not a disqualification rather than a proper qualification for the manly exercise of the rights of citizenship), terrified by these grim shadows of the past, throw unjust and oppressive difficulties in the way of the transit of even free persons, while those whose right to freedom is questioned by anyone, upon grounds however slight, are denied the right of escaping from idleness and enforced vagrancy to where industry is possible and employment within reach. This difficulty, however, can be partially obviated by military authority.

"Deeply impressed by the dangers to public health, which you so truthfully and forcibly depict, and anxious that the laboring poor of the city shall be saved the terrible consequences of the 'disastrous pestilence' of which you assure me great fears are entertained, I have caused to be issued the General Order No. 32, from the headquarters of this department, a copy of which is herewith laid before you, and will, I hope, meet your approval."

The General Order No. 32 required all carriers of passengers, whether by the river or by the railroads, to transport colored persons, on the tender of a reasonable fare, to their destinations.

On the first Monday in August, 1865, Judge George W. Johnston was elected judge of the circuit court, and at the September term of the circuit court he charged the grand jury that my order, No. 32, was contrary to the statutes of Kentucky. The grand jury found many indictments against me, alleging the illegality of that order, under which, as was charged, many slaves had escaped from Kentucky.

Bench warrants were issued for my apprehension and placed in the hands of the sheriff. He waited upon me politely with the writs, and I told him that I would certainly appear at the next term of court and answer the indictments. I told him at the same time that I would submit to an arrest, if he desired it, but also informed him that I could not command an army through the grates of a jail, and that I had already issued orders to General Watkins, second in command at Louisville, if I was arrested and confined to capture the jail and imprison all who were concerned in finding the indictments, including the sheriff. He did not arrest me! At the November term of court I appeared, and the judge accepted my promise to appear and answer the indictments.

At the December term of the court, after Alabama, which completed the requisite number of states, had adopted the constitutional amendment, with the Hon. Milton Hay, now deceased, while I was engaged in a trial of a suit in the circuit court of the United States, I received a peremptory order to come to Washington, and from thence proceed to Raleigh, N. C., and preside over a court martial to be convened at that place for the trial of certain officers connected with the Freedmen's Bureau. I proceeded to Washington, received my orders from the secretary of war, spent part of the Fourth of July, 1866, in Richmond, Virginia. Arrived at Raleigh on the 5th, remained there until the 12th of August and then returned to Washington, where I met General Grant.

The General kindly offered to recommend me for the appointment of brigadier general in the regular army, which I declined, and in return offered him ten thousand dollars for his first year's salary as president of the United States, which he declined.

On my return to Illinois I resumed the practice of the law with Mr. Hay, and in April, 1867, removed my family to Springfield, where I have resided ever since. In November, 1868, I was elected governor of Illinois, which dissolved the partnership with Mr. Hay.

My partnership with him was a most agreeable and profitable one. He was a great lawyer and an honest man; his logical power was unsurpassed by any one with whom I have ever been associated; we tried many causes of great importance.

I was inaugurated as governor on the 12th day of January, 1869, but on the 30th day of the same month I was compelled to veto an "act to incorporate the La Salle Ice and Transportation Company," upon the ground that it disregarded the registry laws; and on the first day of February, 1869, I vetoed an



act entitled "an act to repeal an act entitled an act to establish a court of common pleas in the city of Cairo," upon the ground that it allowed extra compensation for services already rendered by the marshal and ex-marshal of the city of Cairo. On the 6th day of February, 1869, I vetoed a bill which organized a district for taxation, including the town of Greenville, in Bond county, in which I said, "Indeed, it seems to me that we are rapidly reaching a point where other taxation will be impossible; the people are now taxed by counties, cities, towns, townships and school districts; and it is by this bill proposed to lay off special districts, strips and sections, so that excuses may be found for levying new taxes for new objects, and thus eat up the substance of the people."

I was compelled to veto a bill which required the city of Bloomington to issue bonds and levy a tax for the purpose of paying for the grounds recently purchased in said city by the Chicago & Alton Railroad Company for their machine shops. I also vetoed a bill for an "act to fund and provide for paying the railroad debts of counties, townships, cities and towns" upon the ground that it required the taxes of one municipal corporation to be devoted to another.

I vetoed many other bills, upon the grounds that they were unjust or in violation of the constitution. In all I vetoed one hundred and twelve bills passed by the legislature. In many of the vetoes I was sustained by the supreme court.

In 1888 I was nominated as a candidate for governor by the Democratic state convention, which met in Springfield. In 1890 I was nominated as a candidate for United States senator for the term of six years, beginning on the 4th of March, 1891, and was elected on the one hundred and fifty-fourth ballot March 11th, 1891. On September 3d, 1896, I was nominated by the national Democratic party as a candidate for the presidency. On the 3d of March, 1897, my term as senator expired, and since that time I have devoted myself to the practice of the law, as a member of the firm of Palmer, Shutt, Hamill & Lester.

WILLIAM H. BISSELL.

William H. Bissell* was born in Yates county, New York, on the 25th day of April, 1811. He received a respectable but not thorough academical education. He studied medicine and came to Monroe county, Illinois, to practice his profession. In 1840 he was elected to be a member of the house of representatives of the general assembly. On his return from the meeting of the legislature he concluded to study law, and he pursued his studies until qualified for admission to the bar, and was afterward elected to be state's attorney for the district in which he resided. In the meantime he removed to Belleville.

In the office of state's attorney he acquitted himself with great credit. When the war was declared against Mexico he raised a company, of which he was elected captain, and was by the volunteers chosen to be the colonel of the second regiment raised in this state.

"For his opportunity he evinced a high order of military talent. Indeed,

* Sketch prepared by the editor of this work.

it was suspected from his practical knowledge of military affairs that he was at one time connected with the army. He contributed by his valor and skill to the successful result of the battle of Buena Vista. He was distinguished for his quiet subordination, his care of his men and for the regular discharge of all the duties of the commander of a regiment. After his term of service expired he returned home, and was twice elected to the house of representatives in the congress of the United States.

"During the great contest of 1850 he voted in favor of the adjustment measures, holding the following language on the doctrine of non-intervention: 'It is a principle, sir, upon which I have always stood, and from which I have no idea of departing—a principle maintained and cherished by my constituents, and one which they will be slow to surrender.' But in 1854, when the same principle was sought to be applied to the organization of the territories of Kansas and Nebraska, involving a repeal of the Missouri compromise, he approved that unnecessary assault upon the domain which for thirty years had been consecrated to freedom."—Davidson and Stuve, *History of Illinois*, pages 457-8.

He was nominated a candidate for governor by the Bloomington convention, which was held on the 29th of May, 1856, as an anti-Nebraska Democrat, and was elected over his principal opponent, William A. Richardson, by a majority of 4,697.

Governor Bissell was buried in the "old cemetery" at Springfield, and was afterward reinterred in Oak Ridge cemetery, at which time the editor of this work, who was then governor of the state, delivered an oration, which is copied from his memoirs and here given place. The address was delivered May 31, 1871, at the dedication of the Bissell monument, and is as follows:

Citizens: We have been invited to-day to aid in dedicating this structure, to be a memorial of a name that the people of this state honor and revere, and we have visited the quiet spot where slept all that time has left of William H. Bissell—the soldier, the statesman and the patriot—and we have lovingly borne his remains to this place and have deposited them here, no more to be disturbed; that this beautiful work may hereafter perpetuate his name and honor his memory. This solitary monument is to stand in this city of the dead, a voiceless yet impressive witness that a great man has fallen, but is not forgotten by his countrymen; while the inscriptions cut into the solid marble testify at once to the brevity and nobility of his shining and useful life.

You have done your work, but there remains to me, as successor to his office and his public duties, the difficult task of speaking of his life and his acts in such fit and appropriate terms as will not offend against taste nor do injustice to the memory of the dead, but will afford profitable lessons for the guidance of the living.

Fellow citizens, I bespeak your charitable indulgence while I attempt the proper performance of my responsible and delicate duties. You do not expect me to undertake a recital of such facts in the life history of Governor Bissell as are common to us all, for as much as you revere the memory of his life and cherish his fame, they will not interest you. He was born, he lived, he died; and he shares this brief biography of our race with the almost infinite millions who in the centuries of the past were born, lived, and have vanished. Of all of these, this much is all that is or that need be known. Many of these forgotten ones strutted their brief hour upon life's busy stage, and were the noble and great of their day; but now their names and their deeds are lost forever.

It may well humble the lofty and the proud to realize that within a few years their

names will only be known to the students of the vanishing past, and none will care to know when their lives began or when they ended. The great Napoleon, near the close of his wonderful life, gave to this thought a mournful impressiveness when he exclaimed: "After all I have done, ten centuries hence I will fill but a single page of history!" Indeed, the dates of human deaths and births are of no importance, for birth and death signify but changes in form of being; the one is but the incarnation, and the other the release of a soul; they are alike inevitable, and in themselves furnish no special lesson for the benefit of mankind. It is true that the circumstances that surround an early childhood and follow it in its growth, until it develops into mature life, are of vast consequence. No mortal mind can fathom and no words explain the extent to which lives are impressed and influenced by the conditions that attend childhood. It will be fully known only when we stand in the presence of the Infinite, to what extent our example or our neglect has taught the feet of innocent childhood to stray; and it is also true that incidents of death sometimes impressively demonstrate the complete growth of the most elevated qualities.

The end of the righteous is peace. The true man, at the close of a well spent life, may look into the abyss that lies before him with confidence that he will awake in a new sphere, filled with labors and duties; into a life that has its relations and obligations. He must resign "this pleasing, anxious being," but he will enter into another, possessed of larger powers.

It is material, therefore, to a proper understanding of the life of Governor Bissell that you should be informed that he was of "humble parentage." These words we have inherited from our mother country, together with many of its admirable, as well as absurd, forms of thought and expression, and they are used to signify that his parents were simple and honest God-fearing people. If they had been wealthy and influential I would no doubt have employed the only admissible republican substitute for nobility by declaring them to have been "highly respectable," even though they neither "feared God nor regarded man."

During his childhood he had before him the parental examples of industry and frugality and of the honest, painstaking discharge of daily duties; his life commenced and his boyhood was surrounded by such influences and no other, and none that knew him well will doubt that they were the foundations of the rules of a life that was singularly brilliant and successful and that would, under favorable circumstances of physical health and constitutional vigor, have become eminently distinguished. Young men of the present day are slow to comprehend the difficulties that forty years ago embarrassed those who were eager to obtain the advantages of thorough literary culture. Even in some of the states that are now overflowing with wealth and population, schools and higher institutions of learning were comparatively rare. They were roads, but not royal roads, and Governor Bissell was able by these agencies to acquire a respectable, though I think not a thorough academical education.

I do not refer to the circumstances of the childhood and youth of Governor Bissell to find corroboration for the popular belief that enforced industry and self-denial in early life are unfavorable to high intellectual or moral development, for, contrary to the general view, I am persuaded that the stern lessons of poverty, in the modified and softened forms in which it presents itself in our country, are more useful and impressive than any that can be imparted in the schools. The fortunate young man possessed of generous traits, relieved from ill judged and enervating support, is permitted to acquire and cultivate the master quality of manhood, self-reliant helpfulness, a hopeful, enduring confidence in his own capacity to do. This lies at the foundation of all true success in life, and is learned only in the field of actual struggle; and the boy who is compelled to face obstacles and overcome them will enter upon manhood with a courage to which all things are possible, and though he may, in the great battle of life, suffer reverses and occasional defeats, he will win the victory at last.

Governor Bissell came to Illinois in his early manhood, a physician, and engaged in

the practice of his profession. I have never thought it to be singular that a man of his active, ambitious qualities, but acute and inquisitive mind, should have been at first fascinated by the study of the laws of life and health, of disease and death. How marvelous it is that we live and move and think and love and fear and hate; how wonderful it is that we thrill with abundant joyous health, that we tremble and cower at the touch of slight disease; and how astounding that death is on every hand around us—above and beneath—that he conceals himself in the waters and floats upon the breeze; he touches us, and we are no more.

Those who knew the quality and texture of Bissell's mind will readily understand the earnestness with which he would labor to master these mysteries, and that after having learned that they were all concealed from mortal view; that they are as unfathomable as nature herself, he would turn his attention to other fields of effort.

He was elected to the legislature, and was engaged in public employment, with slight interruptions, for the remainder of his life. He turned his attention to the profession of the law, and soon attained a high rank in his new calling.

On the breaking out of the war with Mexico he was chosen the commander of a regiment, and during his term of service he evinced the possession of high military qualities. He was, soon after the close of the war, elected to a seat in the national congress, and was afterward chosen to be governor of the state, the tenth in the order of service, and died on the 18th day of March, 1860, before the expiration of his constitutional term, at the age of forty-eight years. How brief this life, and how few are the leading events to which I have referred; and yet I have already declared in your hearing that such a life is to be regarded as successful.

Biography is history, and the history of the world is usually written as if there was nothing worthy to be chronicled but the rise and fall of empires, the beginning and end of dynasties, and the marches and battles of armies; and yet these, of all others, are the facts least worthy to be remembered. Man, under God, is the universe, and information that his governmental forms at different periods have justified one or some other designation, furnishes us no clue by which the actual condition of peoples may be ascertained. Emperors and kings have been sometimes the guardians of liberty, and popular forms of government, on the other hand, have often been administered by the despotic and cruel. Armies are but imperfect types of the civilization of their period, and great battles won in the name of despotism have often proved to be the triumph of human freedom.

The events that constitute the staple of history are valueless until subjected to philosophical analysis and considered in all their relations and influences; and when this is wisely done the age to which they are to be referred stands out before us like a picture, in which every object preserves its proper proportions. And so it is of the leading facts in the life history of eminent men. We may be told that Washington was the commander-in-chief of the American armies during the war of the Revolution, and that he was afterward the president of the United States; but these are the most unimportant circumstances of his grand and sublime life. We are to be instructed and profited by a history of his minor, inner life; by a knowledge of all those admirable qualities that existed and, when so happily combined, constituted the man who was "first in war, first in peace and first in the hearts of his countrymen."

And those of us who stand here, near the city of Springfield, which was his cherished home when he lived, and in this solemn city, which is his home now that he is dead, and within sight of that towering column erected to point out to the pilgrims of liberty who may inquire for the tomb of the noble martyr where he sleeps, do not, when we speak of Lincoln, say he was once a member of congress, or that he was twice elected to the highest place in the gift of the American people, for we know that these events were but the result of the qualities that marked him the central figure in the sublimest events in history. But we speak of his modesty, his truthfulness, his fidelity to the right, his industry, his wonderful wealth of firmness and courage, his broad capacity, that were so suddenly developed by the responsibilities of his great place that they seemed to us like

the inspirations of Deity; his patriotism, and the golden chain of personal excellencies that cannot be described and that bound all these into one compact and harmonious whole, so lofty and so great that it astonished us who knew him best and imagined we knew all that there was to be learned of his character. Men are to be studied and described by their qualities, their capacities and their trials. In the true portraiture of history, events in their lives are only appealed to as witnesses. Acts are but the objective types or results of inner forces.

I have already mentioned that Governor Bissell abandoned his early profession for that of the law. For this field of labor he possessed many natural qualifications. He was a clear and accurate thinker and was an honest thinker, if I may be allowed to use a term that more properly belongs to the domain of morals, to illustrate mere intellectual processes.

Notwithstanding the rigor and exactness of all true forms of logical reasoning, every one has observed that some minds are so radically oblique that they cannot perceive or accept, but will always, though unconsciously, resist the most accurate deductions of reason. Such persons are affected by what may be very fairly termed intellectual color-blindness. The mental eye is incapable of perceiving some of the rays of light that contribute to the true color of truth, and they therefore labor on, all unconscious of their existence. His mind, at a glance, took into view all the shades of truth, and accepted logical results as if they were the decrees of fate. He cherished for the law the most profound respect, and, like the sages whose wisdom has made the profession illustrious, he esteemed the law to be "the science of practical justice," and held that its professors are bound by the most solemn obligations to maintain and enforce it. In his view the law is a shield to the helpless and a defense to the innocent. Some who are now present will remember when Bissell was the representative of public justice, and when the ablest of the profession esteemed it an honor to be selected to defend the poor. His antagonists felt always sure that the claims of the law would be maintained, but that justice and right would never be disregarded. Some of his professional rivals live to-day to cherish his memory; but others, ah, how many of them! are like him, gone to appear in the tribunal of the Infinite Judge.

As a politician he was earnest and sincere. The ostensible grounds of political controversy in the earlier years of the public life of Governor Bissell are of but little real importance. The great conflict that created the Democratic and Whig parties was over. As early as the year 1840 the Whig party, upon issues that are not now easily explained, carried the presidential election and nearly all the states, but it perished in the very hour of its triumph, and in 1844 the Democratic party, under the leadership of Mr. Polk, captured, and carried into the citadel with shouts of triumph, the wooden horse, filled with its deadliest enemies. The inauguration of Mr. Polk was followed by a war with Mexico, and the results of that war forced upon the country the necessity of considering some of the aspects of the, even then, dreaded slavery question.

Governor Bissell, who had borne an honorable part in the war, was elected by the people of his district to represent them in the house of representatives in the federal congress, and upon that theatre early distinguished himself for clearness of views and for his calm, though courageous, utterances. He entertained the opinion that slavery, when established or maintained within any of the states, by their own authority, was properly beyond the reach of any external disturbance; but he was equally firm in the expression of the belief that it did not exist, and could not be established by federal authorities, in any of the territories acquired from Mexico.

The discussions in congress on this and kindred topics were attended by the usual explosions of passion and feeling. Amid all the scenes of these turbulent sessions of congress, Governor Bissell bore himself with that quiet calmness that characterized him on the field of Buena Vista. He was courteous to all; he was dignified and deferential, but in spite of all this he became involved in an affair that no one that undertakes to do justice to his memory can pass over in silence. For decorous words, calmly and courte-

ously, though firmly, spoken in debate, he was challenged by Mr. Jefferson Davis, then a member of congress from Mississippi, but afterward notorious as the chief of the brief and ill-starred southern confederacy, to fight a duel, and he coolly and decisively accepted the challenge.

Before discussing the questions of morality and propriety that are to be considered in determining upon the conduct of Bissell upon this occasion, I may be permitted to say that his acceptance of this challenge was with a deliberate intention to fight. He proposed no unusual weapons or terms; he indulged in no useless words. In this respect his conduct was characteristic of his life. Whether his acceptance of the challenge was justifiable or not, depends upon all the attending circumstances. Personal self-defense is a right recognized alike by divine and human laws, and that defense is most perfect that not only repels but anticipates and prevents danger.

The war of the sections, that afterward summoned millions to the field, had even then commenced, and the challenge of Mr. Davis was addressed not only to William H. Bissell, but to his state and the whole north. Northern public men then and afterward, under the mistaken belief that the northern people demanded that they should not repel insult by the punishment of the aggressor, submitted to contumely and outrage to an extent that even now cannot be remembered without a flush of indignation. It seemed then to be demanded of public men that they should speak freely and assert the right to freedom of speech, but that they should not employ the only mode possible for its defense. I admit that the principles of Christianity condemn all forms of violence not employed within the strictest limits of self-defense; but I have often felt that the right to employ force in the vindication of other rights is as sacred and as necessary as that of personal self-protection.

At that time it was the purpose of southern public men to subjugate the whole continent to slavery; and personal menaces and insults toward members of congress from the north and west were the means resorted to to give effect to their plans. They trusted in the efficacy of intimidation, and the challenge to Governor Bissell was an experiment in that direction, and history has already testified as to the measure of its success. In my judgment, under the circumstances that then existed, the acceptance of this challenge was simply the discharge of a necessary duty to the state; there was no middle ground: insults must have been borne or resented; intimidation must have been submitted to or repelled, and no man ought now to hesitate to decide as to what was the proper line of duty.

But I have consumed too much time upon this interesting episode in the life of the distinguished man whose remains are to be to-day forever shut out from mortal view. Before the close of his congressional term he was smitten by that mysterious disease that pursued him without relenting until the close of his life.

In the year 1856 he was elected by the people to be the governor of Illinois, but even before that event, which afforded him such gratifying proof of the affection and confidence of his fellow-citizens, it was manifest to his friends that his active career was ended. He brought to the administration of the state the resources of a clear and still vigorous mind and an earnest purpose to advance the public weal; but his stealthy foe did not release his grasp, and on the 18th day of March, 1860, quietly removed him from earth.

I have thus briefly spoken of the dead, but not fully; have presented points in his history and character that are worthy of study and imitation, and now we leave these poor remains here to rest in peace until the great day when he and we ourselves shall rise and stand together before the throne of the Eternal.

Gentlemen, you who were charged by the state with the duty of designing and erecting this monument, have acquitted yourselves well. Governor Bissell was the official associate of some of you, and the friend of all. Yours has been a melancholy duty, but on your part one of love. Accept the thanks of the people of the state, through me, for your fidelity to your sacred trust.

CHAPTER XXIV.

THE COURTS OF KNOX COUNTY—EARLY MEMBERS OF THE BAR—LAWYERS OF PRESENT BAR.

CONTRIBUTED BY E. P. WILLIAMS, ESQ.

KNOX COUNTY was organized on the 10th day of June, 1818. The first term of the circuit court was held at the residence of John H. Mon, section 32, Henderson township, about four miles north of Galesburg, on October 1, 1830, Judge Richard M. Young, then judge of the fifth judicial district, presiding. In the absence of Thomas Ford, state attorney, James M. Strode was appointed state's attorney pro tem. The term lasted but one day. But little business was transacted, the grand and petit juries discharged without performing any duties. The next term of the circuit court was held in the log court-house at Knoxville on June 18, 1832. The grand jury reported to the court that they had no business before them and knew of no violation of law which it was their duty to notice. The first contested case was an action brought by Rhoda Tanner against her husband, John Tanner, a resident of the state of Illinois, for divorce. This was not hastily granted, only after a thorough and patient investigation into the merits of the case. The old log court-house was built in 1831. It seems to have been a sturdy building for those days, being erected at an entire cost for building and furniture of \$349.43.

The second presiding judge was Hon. James H. Ralston, a native of Kentucky. He was elected by the legislature, in 1837, to fill a vacancy occasioned by the resignation of Judge Richard M. Young. Judge Ralston remained in office but a short time. He was succeeded by Hon. Peter Lott, a native of New York, and he by Stephen A. Douglas, who continued to hold our circuit court until August, 1843, when, having been elected to congress from the first congressional district of Illinois, he resigned the office of judge. The energy and fidelity with which Judge Douglas performed his duties as presiding judge were profoundly impressed both the bar and the community.

Hon. Jesse B. Thomas was presiding judge from 1843 to 1845. He was succeeded by Hon. Norman H. Purple, of Peoria, who held the office for two years, when he resigned on account of the insufficiency of the salary. It is to say that few, if any, abler men ever held the office of nisi-prisus judge of the state of Illinois. Judge Purple honored the office.

Hon. Thomas Ford, better known as Governor Ford, was prosecuting attorney of our circuit from the organization of the county until January, 1885. Of him it has well been said, "Possessed of high and noble qualities."

manhood; a thorough student, keen, energetic, untiring lawyer; of strict integrity, he was universally esteemed and respected."

Among others of the abler state's attorneys in our circuit were the late Hon. William A. Richardson, Robert S. Blackwell and William C. Goudy. Take it for all in all, Knox county, from the inception of its organization to the present time, has been singularly fortunate in its bench and bar.

Patrick H. Sanford was born in Cornwall, Addison county, Vermont, November 10, 1822; graduated at Middlebury College in 1846; read law with Judge Asahel Peck, at Burlington, Vermont; came to Knoxville in December, 1852; completed his law studies with Manning & Douglas; was admitted to the bar in the spring of 1853, and from that time to the present has been and continues an honored member of the Knox county bar. He was county superintendent of schools from 1856 to 1862; master in chancery from 1856 to 1864; was a member of the lower house in the twenty-second general assembly; member of the state senate in the twenty-eighth and twenty-ninth general assemblies; and county judge from 1886 to 1898, inclusive. He has now returned to active practice. He has always been found possessed of excellent legal judgment, coupled with spotless integrity.

Thomas G. Frost was born at Whitestown, Oneida county, New York, May 4, 1821. He graduated with honor at Hamilton College, in the class of 1843, pursued his preliminary law studies in the office of Strecker & Comstock, at Rome, New York, and was admitted to the bar in 1846. He was engaged in active practice at Rome, New York, until 1857, when he removed to Knox county, settling in the city of Galesburg, where he resided until his removal to Chicago, in 1871. It is said by one who was thoroughly acquainted with Mr. Frost during his residence and active practice in Oneida county, New York, that "he was shortly recognized as one of the most promising lawyers of the county. A close student, with a well trained and discriminating mind, painstaking and industrious, thoroughly grounded in legal principles, he discharged his duties to his clients with painstaking, conscientious fidelity." Entering upon the practice of law in Knox county, Mr. Frost found, in the foremost firms of the county, specially able antagonists. These senior practitioners were Manning, Douglas & Craig, than whom no firm in central Illinois ranked higher; Tyler & Sanford, likewise experienced and skillful attorneys; while, at Galesburg, Arthur A. Smith, with his partner, had deservedly many friends. It was shortly found that Mr. Frost was thoroughly capable of conducting any cause, either in the nisi-prius courts or in the supreme court. During the fifteen years that he remained a member of the Knox county bar he was always employed on the one side or the other of every important cause. Nor did he ever fail properly to acquit himself. It was notably true, and conceded on all hands by every worthy antagonist, that no man at the bar excelled him in every fitting characteristic of an able, conscientious and thoroughly trustworthy lawyer. No man ever more thoroughly devoted himself to the interests of every client whose cause he espoused. In the early winter of 1880 Mr. Frost was suddenly stricken. He temporarily came to his old home in Galesburg, seeking

rest from his arduous labors; and thence shortly went to Las Vegas, New Mexico, in the hope of obtaining relief at the springs, but without avail. On December 29, 1880, he passed away, sincerely mourned and warmly admired by everyone who knew him intimately.

At a meeting of the members of the bar of Chicago, held January 3, 1881, to take action on the death of Mr. T. G. Frost, the late lamented Charles B. Lawrence was elected chairman and H. B. Bergen secretary. No better epitome of the life and character of Mr. Frost can be given than by embodying some of the suggestions there made. Judge Lawrence said, among other things: "Our profession is one of antagonism between its members while we are in life, but the moment death has come, and the busy brain has ceased its labor, and the lips are dumb forever, all thought of former contests vanishes, and we remember of a dead brother only what was noble and generous and good. But the man in memory of whom we have come here to-day needs not the sanctity of the grave to bring oblivion to any heart-burnings. He had no enemies. He was so good a man, so upright, so courteous, and in all the instincts of his nature such a modest and high-hearted gentleman that even in the contests of the bar, earnest and able as he was, he awoke no bitterness of personal feeling.

"I have known him well for many years, and I had not only a profound respect for his character as a man, but a very high opinion of his professional abilities and attainments. Of a temperament that sought retirement rather than display, he did not fill so large a space in the public gaze as he might easily have done if he had desired. But lawyers who have had him as an antagonist in the courts have had good reason to know that if there was a weak point in their case he was certain to find it and lay it bare. He had a very unusual degree of analytical power, and he added to these an unwearied industry and great power of application. The result was that he made himself absolute master of every case committed to his charge, and he did this with a conscientious fidelity, whether the amount involved was small or great. While I was on the bench I was always struck by the exhaustive character of his legal arguments, and I have recently heard a distinguished judge of one of our courts make a similar remark. He was an honor to our profession; he stood in its front ranks; and in his comparatively early death our bar has suffered a great loss."

Judge Thomas Drummond said: "I first understood Mr. Frost's character as a lawyer from an argument which he made before me at Indianapolis several years ago, and I must confess I was rather surprised as to the ability which he manifested on that occasion. And it was a very important case. I had heard but very little of him before that time, although I knew he was a member of the Chicago bar. He has frequently argued cases before me since, and I think there was no member of the bar that gave more instruction to the court upon the case that was being argued than Mr. Frost. It was done in a very quiet, unobtrusive, unostentatious manner. There was no noise; there was no effort at display; there was no attempt to do anything except simply to present the legal questions arising in it to the court. There was no special fancy; it was

simple, plain, downright logic, and it was always a gratification to me to hear him argue a case, because his only object seemed to be, what I think should be always the main object of the lawyer in addressing the court, to inform the court of the merits of the case and present the question in the most forcible way on his own side. He was always perfectly fair, perfectly just. There never was the slightest attempt on his part, at any rate I never discovered it, to mislead or deceive the court."

General John B. Hawley, chairman of the committee on resolutions, said of him, among other things: "He stood in the very front rank among the ablest of his profession, and had long occupied that position. His natural endowments were great, and he had spent his life in the severest study and training, that he might be fully equipped for the proper discharge of all his duties as a lawyer and citizen. In both relations he discharged his whole duty. Ever faithful to his client, and ever bringing to his case every weapon that could be justly and fairly used to advance his interests, he never for one moment forgot his duty or resorted to unfair methods, or sought to deceive the court or jury. He was a model lawyer. He was beloved and admired by all who knew him. With great abilities he combined gentleness of heart and temper and an affectionate nature. These traits in his character naturally drew many to him and gave him warm and faithful friends. He lived on a higher plane than most men. With him duty was the guide of his life, and where duty led he followed. This was shown in all the relations he sustained in life. Such a man is a great blessing to the world, his death a great loss to his race. It is the putting out of a beacon light."

Of the many able lawyers, both resident and non-resident, practicing at the bar of Knox county in the early years, no man was ever more thoroughly honored and esteemed, whether as a lawyer or a citizen; no man ever met him, whether as associate or opposing counsel, in any matter of importance who had not, by reason of it, a higher appreciation of the nobility of our profession.

Curtis K. Harvey was born in Knoxville, Illinois, in 1847. His father, Curtis K. Harvey, was a pioneer member of the Knox county bar; an able and worthy antagonist of Julius Manning from 1839 to 1847, when he was suddenly stricken and died, leaving a son, Curtis K. Harvey, an infant in arms, and two daughters, of whom one is the gifted and estimable wife of Hon. A. M. Craig, so long an able and distinguished member of our supreme court. Young Harvey graduated at Knox College in 1868; pursued his preliminary studies with his brother-in-law, A. M. Craig; was admitted to the bar in 1869, and was immediately admitted to partnership with Judge Craig. On the accession of Judge Craig to the supreme court he formed a partnership with Judge Leander Douglas, a former partner of Judge Craig. He died March 2, 1878, almost at the very threshold of his professional life, but during the nine years that he was a member of our bar we all came to admire and love him. He was a man of superior ability, fine education, had a thorough knowledge of the principles of law; possessed of a retentive and ready memory and quick perception. He reasoned from principles with accuracy, was clear and original in presenting his





case to the jury, and his legal arguments were characterized by unusual force and clearness. He was in every relation a model man and brother. In his death Knox county lost one of the very best and ablest sons ever born unto her; the bar one of its purest-hearted and ablest members. No one was ever privileged to be well acquainted with him without being made better thereby.

Leander Douglas, a nephew of Julius Manning (whose memory is yet green in the hearts of the bar and people of Knox county), came to Knoxville in 1852, and commenced practicing as junior member in the firm of Manning & Douglas. Possessed of rare mental faculties and legal acumen, he was shortly recognized as an able member of the bar. On the death of Mr. Manning the firm became Douglas & Craig. The firm enjoyed a large and lucrative practice. Their services were in demand in Knox and the surrounding counties. The mental characteristics of the partners were such that each supplemented every effort of the other. No case entrusted to their care was lost through lack of ability and thorough and painstaking fidelity to the interests of the client. In the year 1870 Judge Douglas moved to Missouri. On the accession of Judge Craig to the supreme bench he returned to Knox county, settling in Galesburg, where he continued to practice until 1880. He possessed unusual gifts as an advocate. In fact, it came to be generally conceded that in a cause involving sacred human rights no member of our bar possessed even approximate ability to sway the hearts of men.

* Arthur A. Smith, of Galesburg, for twenty-nine years circuit judge of the tenth judicial district, is a native of Ohio. He was born in Batavia, Claremont county, on the 9th of May, 1829, and is a son of Eratus and Martha (Hulick) Smith, the former a native of Rhode Island and the latter of the Buckeye state. The Judge acquired his elementary education in the place of his nativity, and in the fall of 1840 came to Knox county, Illinois, where he entered upon a course of advanced study in Knox College, making his home in the city of Galesburg, the seat of that institution of learning. He was graduated in the class of 1853 and at once entered upon the study of law under the supervision of Abraham Becker, formerly an able practitioner of New York, completing his course in the office and under the direction of Hon. Julius Manning, of Peoria, Illinois.

In 1855 Judge Smith was admitted to the bar of Illinois and immediately began practice in Galesburg, where he continued in the active practice of his chosen profession until after the outbreak of the civil war. Feeling that his country needed his services, in 1862 he joined the boys in blue of the Eighty-third Regiment of Illinois Infantry, and upon the final organization of that body was elected lieutenant-colonel. Subsequently he was commissioned colonel, and was brevetted brigadier-general. Throughout the war he was an active participant in the struggle and rendered effective service to the government in maintaining the integrity of the Union. His regiment served in the west, principally in the Army of the Cumberland, and his personal gallantry and bravery inspired his men to deeds of valor.

* The following sketches are not a portion of the article contributed by Mr. Williams.

When hostilities had ceased Judge Smith returned to Galesburg and resumed the practice of his profession, rapidly acquiring an extensive and remunerative clientage. In 1866 he was appointed by Governor Oglesby to fill the unexpired term of Judge John S. Thompson, and at the expiration of that term, in June, 1867, he was elected to the same office,—judge of the tenth judicial circuit, then comprising the counties of Knox, Warren, Mercer and Henderson. For the five succeeding terms he was chosen by the vote of the people for the same office, but two years before the expiration of his last term he resigned on account of ill health, making a continuous service on the bench of about twenty-nine years. He is a learned and skillful practitioner and expounder of the law, and his judgments and rulings were remarkable for their soundness and accuracy.

In his political views Judge Smith is a staunch Republican, and in 1861 he was elected to the state legislature, where he served for two sessions, throughout which his conduct was characterized by inflexible loyalty and marked ability. In all matters pertaining to the social and political welfare of his adopted state and county he is warmly interested. He has aided effectively in developing and fostering the industries and resources of Galesburg, and while in the halls of the legislature worked profitably for the interests of his constituents. He has been a trustee of Knox College for more than twenty years, and the cause of education finds in him a warm friend. He belongs to the Grand Army post of Galesburg, and is a member of the Loyal Legion commandery, of Chicago.

In 1855 Judge Smith married Miss Mary Delano, whose death occurred the following year. He afterward wedded Mary E. Benner, of Galesburg, and they have five children: Blanche V., Arthur A., De Witt, Loyal L. and Benner X. The daughter is an accomplished musician and spent five years in Europe in the cultivation of this artistic talent. Arthur A. is a rising young attorney of Galesburg. De Witt is engaged in the jewelry business in Chicago, while Loyal is an attorney of that city, and Benner was until recently a leading lawyer of Salt Lake City, Utah, and deputy attorney-general of that state, but when the Spanish-American war was declared, he resigned and entered the military service of his country.

Edward Payson Williams has resided in Galesburg for more than fifty years, and for the past twenty-five years has been the recognized leader of the Knox county bar. His modest and unassuming nature has kept him from the public gaze, but the strength, clearness and accuracy of his judgment, coupled with an unflecked purity and integrity of life, have made him known and respected and loved by all who have been either his clients or his friends.

His father, Sherman Williams, was one of the early abolitionists, and first settled in Missouri; but his views on the slavery question were not accepted there and he was driven from the state by the pro-slavery element, fleeing by night with his wife and young children. His mother, Sally (Bradley) Williams, was a woman of very remarkable intellectual power, an omnivorous reader, with a genius and love for guiding and instructing youthful minds.

Mr. Williams' early life was spent on a farm, and, excepting portions of a few years which were spent in the district school and in Knox College, he did the hard and exacting work of the farm until he had passed his twenty-fifth year. An injury which he then received disabled him from continuing in that calling, and he took up with indomitable purpose his preparation for the practice of the law. After two years of study, he was admitted to the bar of Illinois on an examination conducted in person by the late Judge Corydon Beckwith. From the very beginning of his practice he took rank as a lawyer who knew the law and could present it clearly, who prepared his cases with thoroughness and who tried them both skillfully and honorably; who gave the same high service to the small cause and to the poor client that the largest interests could command; and it was soon known to all that he would neither take a retainer because the professional rewards were to be large if the cause did not commend itself to his judgment and conscience, nor refuse a cause that seemed to him meritorious though no reward were promised and its advocacy was unpopular.

His name will be found as counsel in nearly every volume of the reports of the supreme court of Illinois from the 48th to the present time. Upon important or intricate questions of law, no better briefs than his have been filed in that court. They have furnished the basis for the opinions of the supreme court in many leading cases; notably, in the celebrated county-seat fight between Knoxville and Galesburg, settling the right of citizens by a bill in equity to purge poll books and election returns of the illegal votes cast, and to have the court determine the result of the legal votes at such election. *Knox County versus Davis*, Illinois Reports, volume 63, page 405. In *Stowell versus Bair*, Illinois Appellate Reports, volume 5, page 104, he filed a masterly brief on the question of the priority of lien upon growing crops between the landlord and the mortgagee. In *Patterson versus McKinney*, Illinois Reports, volume 97, page 41, his brief upon the proposition that conveyances to one's family made while heavily indebted and engaged in speculations can be set aside in equity as fraudulent, is preserved in the report. In *Kiernan versus C., S. F. & C. Railway Company*, Illinois Reports, volume 123, page 188, the court sustained his splendid set of instructions as to weight of evidence in condemnation cases.

During his long career at the bar he has met in professional contests nearly every prominent lawyer of the Military Tract, and has won his full share of victories. In the early days his practice was not confined to Knox county, but extended to all the counties of the circuit. In Fulton county he practiced with Hon. William C. Goudy, who afterward became a well known lawyer in Chicago, and Hon. S. P. Shope, afterward justice of the supreme court and now in active practice in Chicago. He was often retained with or against Hon. Thomas G. Frost, afterward of Frost & Miller, of Chicago; Hon. A. M. Craig, now one of the justices of the supreme court; Hon. Charles B. Lawrence, afterward justice of the supreme court, and then one of the leaders of the Chicago bar, and many others. He was an early friend of John P. Wilson, Esq., and of Judge Blodgett, of Chicago. All who have met him in the courts or have in other ways come to know him, esteem him for his fidelity as a friend and his

integrity as a citizen, and warmly admire the ability and conscience which have characterized every act of his professional life. But his best work and highest title to distinction does not lie in his purely professional work. His greatest influence has been wielded as a man of honor and moral bravery, and through the many men who have gained their professional ideals and inspiration while students in his office.

From the day he entered a law office until now, he has placed the obligations of a lawyer before his rewards and has always cared more to settle strife and protect rights by fair compromise than to encourage litigation or imperil his clients' interests in the hope of professional reward or distinction.

He has not drawn the line merely against dishonest claims or methods, but against causes and courses that while entirely honest might prove hardships to the party, though beneficial to the attorney. For example, a mortgage for over twenty thousand dollars was sent him with instructions to begin foreclosure proceedings. The mortgagor was in default and a foreclosure proceeding would have brought an attorney's fee of an unusual size and of which, on account of the large number of persons dependent upon him, he was in real need. Yet because the mortgagee was honest and would, in his judgment, be able to pay the larger portion of the defaulted interest within the next six months, he made the unasked recommendation of a postponement of the foreclosure proceedings. The result was that the mortgagor saved his land and the mortgagee secured his debt, and Mr. Williams received but a nominal fee. And examples of this sort might be multiplied. The golden rule controls him both as a lawyer and as a man.

Students from his office are found in the upper ranks of the profession from New York to Seattle, Washington, and all hold him both as a lawyer and citizen in the highest regard and affection.

He is a Republican in politics, as was natural from his early experiences, but he has never sought public office. In the early days of his practice he was city attorney of Galesburg for one term, and master in chancery of the circuit court for a short time. His friends have long desired to place him upon the circuit bench, where his profound knowledge of the law, tempered by his fine sense of justice, would have been so valuable to litigants; but he has been unwilling to make any canvass for the place or to undergo the strife of a political campaign. He has neither the temperament nor the natural gifts of an advocate, though in cases appealing strongly to his feelings he has made some very notable and effective arguments to juries. His conspicuous pre-eminence, however, is as a wise counselor who always sought and rarely missed "the right of the matter." Though past three-score years, he is still in active practice in the full possession of his ripened powers, and has associated with him in the practice two sons,—Messrs. Edwin N. and G. P. Williams,—who are rendering him strong and efficient aid in conducting the litigation in which the firm is retained.

James A. McKenzie, of Galesburg, was born April 28, 1837, at Spring Corners, Crawford county, Pennsylvania, and is a son of Alexander and Deidama (Hendryx) McKenzie. He completed his literary education by his gradu-



ation in Knox College as a member of the class of 1859. He took the full course in three years, completing the work of the junior and senior classes in the school year of 1858-59, and standing first in each. He began the practice of law in 1860, in Cambridge, Illinois, remaining an active member of the profession at that place until after the inauguration of the civil war, when he entered his country's service.

Mr. McKenzie volunteered in August, 1861, and was commissioned captain of Company H, Thirty-third Illinois Infantry. His military duty was of a very important and difficult character. For three weeks he was judge advocate of the military commission at Reeves station, Arkansas, was judge advocate of court-martial for six weeks at Batesville, Arkansas, called to that duty by Major-General Curtis, in 1862, and was provost marshal of the division commanded by Brigadier-General Steele, at Helena, Arkansas, until transferred to the staff of Major-General Curtis as provost-marshal-general of the Army of the Southwest. His service was always most efficiently and faithfully performed, and his duty in a most important and difficult branch of the army was ably discharged.

Returning to the north, Mr. McKenzie resumed the practice of law in Galesburg, where he has since made his home. He was elected state's attorney for the tenth circuit, and held that office from 1864 until 1872. He has a large and distinctively representative clientage, has depended entirely upon his own efforts for advancement, and study, close investigation and marked ability have enabled him to make a splendid record. He stands high as a lawyer, his position resulting from his marked individuality and his clear knowledge and statement of the law. He is true to his clients and to himself, justly regarding his self-respect and the deserved esteem of his fellow men as more valuable than any wealth, fame or position which springs from toadyism and sycophancy.

John James Tunnicliff, of Galesburg, has long figured as a leader of the bar in his section of the state. For a third of a century he has practiced in the courts of his district and has won the laurels that crown brilliant achievement. In his early manhood he came to Knox county, and Galesburg has been the scene of his professional labors almost from the beginning of his career as a lawyer.

His birth occurred at Penn Yan, New York, March 17, 1841, his parents being Nelson and Mary (Smith) Tunnicliff. The former was a merchant and a son of John Tunnicliff, one of the early settlers of Herkimer county, New York. Our subject acquired his education in Hamilton College, of Clinton, New York, where he was graduated in the class of 1863, after which he took a course in the Albany Law School, being admitted to the bar at Albany, New York, in 1864. Immediately afterward he came to Illinois and spent a few months in the office of Judge D. G. Tunnicliff, of Macomb, after which he located in Galesburg, where he has since made his home.

In this city he entered into partnership with the late Thomas G. Frost, then one of the leading lawyers of the state, the firm being known as Frost & Tunnicliff. They soon built up an extensive practice in the counties of Knox,

Henry, Mercer, Warren and Henderson, and also practiced in the supreme court of Illinois and the United States courts. Their business relationship was terminated by Mr. Frost's removal to Chicago, in 1871. The following year Mr. Tunnicliff was elected on the Republican ticket to the office of state's attorney of Knox county, and was five times re-elected, serving in that capacity for twenty consecutive years, or until 1892, when he declined to again become a candidate. In 1880 his brother, George Tunnicliff, became his partner under the firm name of J. J. & G. Tunnicliff, and thus he continued in general practice, at the same time discharging his official duties. This firm is still in existence and is among the leading law firms in this part of the state. During his official career J. J. Tunnicliff prosecuted several cases that attracted widespread attention almost throughout the nation, and was regarded as one of the ablest prosecutors of the state. He represented the state in the trial of John Marion Osborne for the murder of Adelia M. Matthews, and the prisoner was executed in Knoxville, March 14, 1873, the only criminal ever hanged in Knox county. He also secured the conviction of the notorious "Frank Rande," alias Charles C. Scott, who was tried for murder, the case occupying the attention of the court for nearly two weeks, reporters being in attendance from Indianapolis, St. Louis, Burlington, Michigan City and Chicago. The argument of the state's attorney covered seven hours and was a most masterful summing up of the evidence and the law. The Chicago Tribune referred to it "as worthy a place in a most praiseworthy prosecution." Mr. Tunnicliff also successfully prosecuted one of the first and most important indictments under the "dram-shop act of 1872," for selling liquor to a minor, which the supreme court affirmed, the case of McCutcheon versus the people, 69th Illinois, 601, being the leading case on the question, "that the law imposed upon the licensed seller the duty to see that the party to whom he sells is authorized to buy."

Mr. Tunnicliff has been twice married. On the 3d of July, 1866, he wedded Catharine Ludlow Burrows, daughter of the late John A. D. and Louisa (Dudley) Burrows, of Clifton, Ohio, and granddaughter of Colonel Ambrose Dudley, of Lexington, Kentucky. She died May 10, 1871, leaving one son, Frederick B., born April 29, 1871. Mr. Tunnicliff was again married, January 23, 1873, his second union being with Margaretta Willoughby Duffield, daughter of Rev. George Duffield, D. D., and Augusta Willoughby Duffield, of Detroit, Michigan. They have two sons and a daughter: George Duffield, born January 22, 1874; Augusta Willoughby, born August 12, 1877, and John James, born April 22, 1879. Mr. Tunnicliff is connected with the Presbyterian church, and belongs to Veritas Lodge, I. O. O. F., of Galesburg. In politics he is a Republican. He was elected mayor of Galesburg on "the citizens' ticket," in 1895. His administration was progressive, and in his official capacity he advocated all measures for the public good and advancement. While acting as prosecuting attorney his service was most fearless, and personal considerations had no weight with him in the discharge of his duty. Close study, hard work and the careful discipline of a strong mind have rendered him one of the most able and successful lawyers at the bar of Knox county.

CHAPTER XXV.

THE BAR OF SHELBY COUNTY—ANECDOTES.

ALL HISTORY has its origin in legends, and one of the most oft-curring stories that the grandfathers tell to the grandsons is that were giants in those days."

The anecdotes that are most often related by the old settlers, to the lawyers relate to the wonderful trials, and magnificent speeches that great lawyers made, in the "good old times."

We have no reason to doubt the truthfulness of these memories, yet little credit may be granted to the affection of the narrator and the roseate that time lends to a fertile story-teller who feels that nothing should be lost translating the past into the present.

U. F. Linder.—For many years we of the Shelby bar have heard of the great speech-making power of U. F. Linder, but his home was elsewhere. Some other chronicler shall tell his story.

Daniel Gregory.—Among the first lawyers who lived in Shelby county Daniel Gregory, who afterward made his home in Vandalia. He died leaving a family of girls. He held several offices and was once selected to be circuit judge. He was once a member of the legislature of Illinois. He was a brother of Michael Gregory, whose children and grandchildren now live in Shelbyville, and of Gregory, the founder of the Chicago stock-yards.

Daniel Gregory's practice was chiefly confined to the details of getting title to public lands, then subject to entry and homestead in this and adjoining counties. He was a man of sterling character and enjoyed the closest friendship with Lyman Trumbull, Judge Breese and O. B. Ficklin. Letters written by them from 1846 to 1856, show very clearly they each esteemed him an important factor in their political machinery.

Morris R. Chew's name also appears upon the records of Shelby county as an attorney. He did not give his entire time to law business, but engaged in teaching school and farming. His son was Hon. William Chew, who studied law with Moulton and Chafee in 1867 and 1868, and practiced here until his death, in 1895.

William Chew was a minority member of the legislature of 1876 and was one of the leaders of that general assembly in which "Long" Jones and Hon. J. A. Connolly first distinguished themselves. William Chew was an honest man, a stalwart Republican and on occasion could make a fine speech.

His education was gained at the common schools of the county and, as he often remarked, in driving oxen to break the virgin sod of the great prairie.

He owned several hundred acres of land at his death. He left one son, William H. Chew, now a member of our bar and partner of George D. Chafee.

Hon. William A. Richardson once swung his shingle in Shelbyville, but did not stay long. It is related that he had a fist fight with Dr. Trower, but upon what occasion tradition does not disclose. He was a Democrat, but on locating in Quincy became a Whig, and achieved great honors, being at one time United States senator.

Another gentleman who stayed in Shelbyville about a year is the Hon. Joseph G. Cannon. It is the current talk that he had one case before the justice of the peace, and was beaten in that. He tells that he owed for his board, and borrowed ten dollars of General Hall to leave town; he found more favor in Douglas county; made money, paid his debts, and has achieved national fame as a member of congress for many years.

In 1836 Hon. Anthony Thornton came here from Kentucky, to visit his uncle, General William F. Thornton, then a leading citizen of the state and a banker and merchant. At that time Shelbyville had but two or three stores, and the county had, perhaps, from five to ten thousand people.

Mr. Gregory and Mr. Chew were the only local lawyers at the time. Mr. Thornton had obtained in Ohio a college education, and was by nature and training well prepared to achieve success as a lawyer; he at once gained the best business then to be had, and met and crossed swords with all the nomadic members of the bar from other counties that rode the circuit. As is well known, in these early times lawyers were traveling from one county to another most of the time, and in so doing he often met O. B. Ficklin, U. F. Linder, Judge Constable, General Shields, General Field, Ferris Forman, "Long Jim" Davis, H. M. Vandever, Hon. R. J. Oglesby, and many others. His success was assured from the first.

He was called upon to help make the constitution of 1848; was in the legislature in 1851, and again a member of a constitutional convention in 1862. He was elected to congress in 1866, in the old tenth district.

He was elected judge of the supreme court in June, 1870, over Aaron Shaw, who was the nominee of the Democratic party in a district having a great Democratic majority.

One of the most useful acts for the profession which the judge had charge of was drafting the law by which we now have the appellate court, without which all the business of the supreme court would be in a hopeless suspense. He also helped organize the State Bar Association, and is the only man who held the office of president of the same for three successive terms.

Anthony Thornton in his prime was a great man, physically and mentally. He was six feet four inches in height, and weighed over two hundred pounds. He had good health and was a hard fighter in a law suit. He had a large head, big features, large nose, heavy, projecting eye-brows, cold, gray eyes, dark auburn hair. A painstaking, diligent worker and blessed with a rich, powerful voice, he was well equipped for his chosen profession. As a judge of the circuit court he had no superior, and his work is well known to the profession. He

was twice married, his first wife being Mildred, daughter of General Thornton. His present wife was Katherine, daughter of Addison Smith. He has three children living; has a lovely home (Maple Hill), and is enjoying a happy old age, still engaged, at eighty-three, in active law practice.

Some time after Mr. Thornton had located here, probably in 1849, Samuel W. Moulton moved to Shelbyville from Sullivan. He was a Yankee from Salem, Massachusetts, son of a sea captain, and himself had made a voyage with his father. Being very near-sighted, he was handicapped for most professions, and probably therefore became a close student of books. When about twenty-one years old, he followed the New England custom, and went south to teach school, spending some time in Mississippi.

He was married early, to Miss Mary Affleck, of Scotch parentage, and together they started for the new west to carve out fortune and fame, and soon locating in Shelbyville, have here lived and prospered, loved and esteemed by a wide circle of friends, for their genial hospitality, and their unvarying kindness.

They have never had any children, but have rarely been without some girl or boy, to whom they gave a home and an education and that friendship which can never be repaid. In 1873 Dr. Headen and his wife died, leaving a large family of small children, and Mr. and Mrs. Moulton took to their home Walter C. Headen, then a small lad of about ten years, and bestowed upon him the comforts, pleasures and luxuries of their home, graduating him at the city schools and sending him to the Normal University, at Normal.

Mr. Moulton became one of the best lawyers in the state, and with Thornton on one side and Moulton on the other, saddle-bag lawyers from other counties soon learned that it was not worth while to visit Shelby county. The close study of law was Moulton's recreation; for him to be supremely happy he wanted a case with a Chinese puzzle in it, the rule in Shelley's case, a common-law marriage with a spice of insanity, then he could read up and jot down notes that no one but him could ever read. His rule was to read every paper three times.

Mr. Moulton was ever a warm friend to the common schools, and in the legislature, of which he was a member in 1853, he was the prime mover of the act which gave Illinois her splendid school system, and of the law giving the state the Normal University, at Normal. Mr. Moulton was president of the board having charge of the university for many years, but resigned in 1882, on account of then failing health. Mr. Moulton enjoys the distinction of being probably the only man in the state who was twice elected to congress, once as a Republican and once as a Democrat. In 1865 he was sent to congress from the state at large. At the same time Judge Thornton was sent from this district, so that Shelbyville was probably the smallest city in the United States having two congressmen at the same time.

We challenge any other western city of our size to produce two as eminent lawyers who have for over fifty years lived and practiced law in the same town. Moulton became a war Democrat early in the war, a follower of Douglas' last

speech, and so remained during the war and reconstruction times, being chosen for congress as a Republican.

At the time of the Greeley race he voted the Democratic ticket and has kept this up till the free-silver heresy of Bryan swept the party from its ancient moorings, when it is probable he did not waste his vote. He was a candidate for governor when General Palmer was nominated, but having no war record, he was shelved by the military element in the convention.

William J. Henry and William R. Reed came here in 1860. Henry had been a lawyer in Iowa, and a short time in Missouri. Reed was a young man just out of Delaware schools.

The law business being light, Henry and Reed collated a digest of the Illinois Reports, the first in the market and one of general use till later and better ones were made by others. Henry, though entirely uneducated, had an active mind and was tireless in working at his cases, and he had a knack of working up a case where other lawyers would pass it by. He always had a fight on his hands, and did a very lucrative business for years, here and in adjoining counties, particularly Vermilion, where he lived a few years. The railroad donation bonds, and the United States bankrupt law afforded him a good income. In addition to his work as a lawyer he wrote a book on ecclesiastical law, which is the best one in use at the present time. He also wrote a "Story of the Cross," the same embodying his idea of the romance and the trials of Christ. The last was quite readable, but unsalable, and the Methodist Book Concern absorbed both of them and left his family penniless. He went to Kansas City and had a scheme nearly completed by which he would have made a large fortune in a short time, when he was accidentally killed. His business was complicated, and when his estate was settled his family had nothing. One of his daughters, Mrs. Lord, now lives in Springfield, Illinois, and supports her little family by office work, as we are informed.

Mr. Reed, mentioned above, died of Bright's disease a few years after coming here. He was a literary man, and never enjoyed the rough-and-tumble scramble of trial in court.

Anthony T. Hall, nephew of Judge Thornton, came to Shelbyville about 1859 from Oxford, Ohio, where his father was president of the schools. He was a warm-blooded, impulsive, jolly fellow, and could make a very entertaining and sanguine speech. He died a few years after coming here, but gave promise of making a successful lawyer.

George D. Chafee came here from Ann Arbor, Michigan, in April, 1861, and, as the war immediately began, he had ample time to study and rest. He had lost his right arm a few years before in a threshing machine, so was not eligible for military duty, and tried in vain to get into service.

He obtained the agency for some insurance companies, assisted in balancing some business men's books, and eked out a hard living for a couple of years, then became assistant United States assessor, and for a while collector, helped enroll the county for the draft, and did such other work as he could get

until 1886, when he became a member of the firm of Moulton & Chafee, which firm, with Headen's name added, existed till January, 1897.

Mr. Chafee was a Hayes elector in 1876, and in the controversy in congress he was summoned to Washington to appear before Proctor Knott's committee. It took one hundred and eighty-five electoral votes to elect the president, and without Chafee the Republicans would be one short, so close had the matter become. He was elected to the thirty-second general assembly and was made chairman of the railroad and warehouse committee and acted as chairman of the judiciary committee.

In 1868 he married Miss Marie Smith, the youngest daughter of Addison Smith. He lives on Broadway, in a comfortable home, and has two sons and two daughters.

The firm of Mouser & McGrew was known in Shelbyville for several years. Enoch McGrew was a farmer, then school teacher, then lawyer. He was well liked and reasonably successful. He died after practicing about ten years. H. S. Mouser was a student from Marion, Ohio. He was elected school superintendent and had a very good practice. When the boom opened in Dakota he moved to Huron, where he still lives.

William W. Hess opened a law office here in 1876, and later was chosen county judge, which office he was filling at the time of his death. He never contended for a general practice, but made an excellent judge and aimed to hold the scales of justice level. He left surviving him a widow, a daughter of Dr. Harnett, and she still occupies a pleasant home on North Morgan street.

One of the interesting members of the Shelby county bar was Lloyd B. Stephenson. He came here from Winchester, Virginia, in 1866, with his wife, having been a captain in the Confederate army, and lost everything. He studied law with John M. Orr, of Virginia. He was elected, in 1872, prosecuting attorney and held the office two terms. He was a good trader,—in fact, had a fight because some one called him a Virginia "Yankee." He made money from the first, speculated in silver mines, was sent to the state senate from this district, and later moved to St. Louis, Missouri, where he now lives. His wife was Kate Gray, one of a large family of handsome Virginia women and an admirable hostess. The Captain had a family of four girls, three of whom are happily married.

George R. Wendling was born and reared in Shelbyville. His grandfather, who formerly lived here, was one of Napoleon's soldiers at the retreat from Moscow. George R. early showed a genius for talking; was chief promoter of a local company to play Hamlet, and he was the melancholy prince. He studied law in Chicago and here, and was admitted to practice. He was partner of A. T. Hall while Judge Thornton was on the supreme bench. The most noted case Wendling took part in was in defense of T. M. Thornton, for shooting George Tackett. Wendling distinguished himself by his oratory, and used all the best thoughts of all the famous speeches on such subjects, in a masterly manner, causing many tears in the audience and some with the jury. Before this case Chafee and Wendling working together, procured the release

on bail of John Austin and Antonia McClintic, on a habeas corpus case before Judge Thornton. The defendants were charged with, and believed to be guilty of, the murder of Eugene McClintic, husband of one of the defendants. She has lately been mentioned in the Fort Smith paper, charged with the murder of another husband.

Wendling was a member of the constitutional convention that drafted our present organic law and is said to have made a great speech on an adoption of the same clause, which to him was fraught with danger to the public or his party. For the last twenty years Mr. Wendling has given his entire time to lecturing, and is now accounted one of the first platform orators of this country. He married Josephine Stephenson, and lived for many years in Shelbyville, but now has his winter home in Washington, D. C.

He has three children. His youngest daughter, Grayson, married a lawyer in Washington. She was doubtless as handsome a girl as lived in that city of beautiful women. In this brief sketch of the bar of this county, space will not permit a review of Mr. Wendling's remarkable lectures. The following is a newspaper synopsis of one of his lectures, "Is Death the End?" The theme is not new to lawyers or others, and perhaps some thought in this may aid some one in studying the subject:

"At the Third Baptist church, before a highly cultured audience, Hon. George R. Wendling last evening undertook to prove the immortality of the soul by science and history. He presented a review of the various arguments against another life, and classified them under four separate heads, or as springing from four different sources. (1) A reaction against the absurdities and superstition of Pagan religion and the old mythologies. (2) The undeniable fact that all the visible phenomena of death imply annihilation. (3) An intellectual pride which has begotten modern rationalism and says 'I will not believe what I do not know.' (4) The deductions of modern science. Discussing each of these in turn, the lecturer passed from the negative side of the question to an affirmative argument, to which he devoted the remainder of his address. He took for the cornerstone of his argument the famous saying of St. Paul, 'There is a natural body, and there is a spiritual body.' The relation of the mind to the brain, the control of the physical organism of man by a spiritual power of which every man is conscious as existing within him; the wonderful range and nature of that spiritual power; the differences between that power and mere physical power were all discussed and illustrated from many points of view, and the conclusion reached that the 'spiritual body' in man is a distinct and superior entity—the image of God himself.

"The lecturer then proceeded to an argument and illustration of the statement that nowhere in nature can be found a single analogy or presumption showing that the spiritual body dies with the death of the natural body. On the contrary, the modern doctrine of the conservation of force; the scientific fact that in all nature nothing is ever annihilated; the fact that annihilation is impossible, because it deprives God of the power to do justice among men by rewarding those suffering ones who live lives of purity and self-sacrifice and

poverty for the sake of humanity; the universal and instinctive faith in a future life; and, above all, the stupendous fact that the human race is a failure if there be no other life—all these arguments were adduced and presented in the order stated to show that 'the spiritual body' of man passes into another sphere of existence when 'the natural body' dies.

"Upon the proposition that if there be no other life than this the human race is a failure, Mr. Wendling said:

"I know it is said that this man or that man is a successful man. Successful in what? In the accumulation of wealth? Naked he came and naked he will go, and his estate is scattered before the second generation passes. Is it fame as a lawyer that you seek? The penniless daughter of a world-renowned chief justice was a poor government clerk in Washington the other day. Is it military glory? Napoleon died with a broken heart, and the homage of the world could not lift the cloud of sorrow which gathered on the heights of Mount McGregor around the form of the dying chieftain, General Grant. Would you become a mercantile prince? Ninety-five of every hundred is the percentage of unsuccessful merchants. Would you master the sciences? Sir Isaac Newton, with his gigantic intellect, confessed at fourscore that he had picked up only a few pebbles on the shore of the ocean. Is it literary reputation that you wish for? How many authors have appeared the world over, in the last forty years whose works will be read forty years hence? I doubt if there be five.

"Would you achieve greatness in the field of historical research and speculation? Only twenty-five years ago the world hailed Buckle as the rising star in that domain, and I recall an afternoon I once passed with General Frank Blair, he many years my senior, but finding a common tie in our admiration for the great Buckle; and I shall not forget the eloquence of that gifted man as he praised Buckle, while I gave warm assent. Within five years from that conversation the best thinkers had discarded Buckle's theories and repudiated Buckle's conclusions. Would you found a school of philosophy? No English philosopher in the last two centuries has so great a number of followers as Herbert Spencer, and yet Spencer's influence upon educated thinkers is waning to-day, and some of his books are going now to the top shelf. Is domestic happiness, a noble wife, happy children, and a glowing fireside, your highest aim? So be it! for that is indeed the very sublime of human life! But think of a family circle with no hope of a life beyond, and many a grass-covered mound between the cradle and the grandsire, and not an hour's ride from the threshold to the cemetery out there beneath the trees.

"Turn then where you will, look up and down every avenue, view life in all its varying phases, and there can be but one solemn conclusion—if there is no life beyond the grave, man is an abject failure. A failure! Can that be? No! No! Man standing at the summit, the heir of all the ages, destined to ultimate dominion over the whole earth, the master of steam and electricity, the autocrat of earth and sea, and compelling even the stars to yield their secrets to his spectrum analysis; man, walking to and fro in the corridors of the universe, naming and weighing the planets, and telling when and where the wandering

comet shall reappear; man, endowed with such wonderful powers as these, and endowed, too, with a heart that can love and love forever—no! The Almighty has not written the word failure on the forehead of such a being as that, and, somehow and somewhere, man must and will push up and on in a career worthy of a creature thus made in the very image of the Infinite One himself.' "

J. William Lloyd was a cousin of Wendling; was for many years a clerk of the circuit and county court, and studied law and made a set of abstracts of title. He made a success of his business, but died in his prime, leaving a widow and also one son and one daughter, both of whom have followed him over the great divide. His wife was Mary Kelley, daughter of Chatten Kelley, at one time mayor of Shelbyville.

William C. Kelley, a son of Chatten Kelley, was educated in Kentucky, studied law here, and was admitted to practice. He has been state's attorney of the county and was an efficient, honest officer and an able, careful lawyer. He was a great reader and an all-around good citizen. He is now a law partner of H. J. Hamlin, before forming which association he was for many years a partner in the firm of Kelley & Ragan. He is highly esteemed and at one time was the bar candidate for circuit judge.

Hon. W. C. Headen is another lawyer, native of the town. As mentioned elsewhere he was the ward of Hon. S. W. Moulton, his present senior partner. Mr. Headen is a born politician, has twice served his district in the legislature, and has won credit for his fairness and ability in legislative work. He has been city attorney on several occasions and member of the school board. He is an able and laborious lawyer, a good citizen, a member of the Baptist church, a good talker on the platform or before a jury.

He has a beautiful home, graced by a sweet family. His wife was Virginia Barrett. He has one son, who is in the Illinois State University, and one daughter, at home.

In 1864 two young men from Potsdam, New York, came west to grow up with the country, and spent a few years teaching school. They finally studied law, Truman E. Ames taking a course at Ann Arbor and then locating in Windsor, Shelby county, and later moving to Shelbyville, Illinois. At the death of Judge Hess he was elected judge and was later re-elected. Before his last term expired he was elected circuit judge for this district. He is the only circuit judge Shelby county can boast of ever having. The Taylorville Democrat says of him:

Judge Truman E. Ames, of Shelbyville, arrived here Monday morning and opened up the March term of the Christian county circuit court. Judge Ames is the last one of the three new judges, elected last June, to hold court in Taylorville. Judge Dwight was the first and Judge Farmer was the second. Judge Ames took hold of the business like an old hand.

Judge Ames is a native of New York state, where he was born in the year 1850, and consequently is in his forty-eighth year. He was born and raised on a farm, and his early life was not much different from that of the usual farmer's boy. He was gifted with a strong mind, and it manifested itself in a desire for a good education. After attending a country school for a few years, he attended

an academy with the intention of fitting himself for teaching. He no sooner became a teacher than his fertile mind led him to aspire to still greater mental activity, and he managed to secure a course through the New York State Normal University. He then determined to follow the star of empire westward, and in 1872 located at Windsor, Shelby county, Illinois, where he was principal of the public school for two years. During his leisure hours he studied law, and graduated from the law department of the University of Michigan in 1877. He began the practice of law at Windsor, where his ability won for him a large clientage, but he needed a broader field for his talents, and in 1880 he located at Shelbyville, Illinois. Though a Democrat, he was appointed city attorney by a Republican mayor, and conserved the interests of the city with remarkable ability. He was thrice elected county judge of Shelby county, and was holding that office for the third time when he was elected judge of this circuit. Socially he is one of the finest gentlemen anywhere, and his decisions show that he is well learned in the law. He has made an excellent impression on bar and spectators, and shows a conscientious disposition to do what is right.

The other New York boy is Howland J. Hamlin, of the firm of Hamlin & Kelley. He has been in the firms of Thornton, Wendling & Hamlin and Wendling & Hamlin. Mr. Hamlin is a fine lawyer, keen, alert, full of resources, and a close student. His successes have not been confined to Shelby county; he has had experience with the best talent of the state, in Chicago, Champaign, Charleston, Sullivan, Springfield and elsewhere. His fort is talking to a jury, but he does not depend on that and leave other essentials undone.

He has been in close contact with the railroad and warehouse commission of the state, as adviser, and concerned in much of the important business coming before that body. He has also assisted in shaping and controlling legislation, having been employed by several of the great department stores to aid them in conserving their rights. He lives on North Broadway, in a beautiful house presided over by his wife and daughter. Mrs. Hamlin is a lady highly esteemed by all who know her and is devoted to her husband and her home. His daughter, Agnes, is a lovely girl with a magnificent voice, and is now at school in Washington. Mrs. Hamlin is a daughter of Dr. York, of Windsor.

William Townsend made his advent in Shelbyville, in 1883, but had been in Stewardson some years. He was born in Toronto, Canada, in July, 1849, and studied law with Albert Green, of Sullivan. The Democrats of Shelby county elected him state's attorney one term, and he has been master in chancery one term, both of which offices he filled with credit. Townsend is a humorist and a voracious reader of fiction and poetry, and is a fine critic in these lines. He sees the mirth in what he reads, and often commits it to memory and gives it to his friends.

His business has never been pressing, and others, not as good lawyers, get more, mainly because he is an independent thinker and says what he thinks, and committed the crime of being for sound money in a county where nine-tenths of the Democrats were rabid with the virus of free silver. He has turned his talent into the lecture field, and now delivers in a most unique style a temperance

lecture, the like of which has not been heard before, entitled "Smiles and Tears at the Shrine of Bacchus."

Theodore F. Dove was for several years principal of the high school of Shelbyville. He was educated at Delaware, Ohio; is of German stock, stout and short. He was associated with W. J. Henry for several years, and got a good financial start out of some bankrupt cases. He is a hustler outside of the legal profession, and never hesitates about making a trade in lands or commercial paper, and will trust anybody who will give a judgment note, with, or without a chattel mortgage. It is not unusual for him to feed two or three hundred cattle and hogs, and yet, with all this outside business, he is never away from his office a half day at a time. He is a success on foreclosures, and partition suits, settling estates and judgment notes, and is credited with making more money than any other two lawyers.

He married a daughter of Dr. Clark, of Ohio, and has two fine boys, one at home and one in Delaware. He has a spacious house on Main street, and until the death of his wife, two years since, no home was more pleasant or more hospitable. He was a liberal entertainer, and more than one bishop of the Methodist Episcopal church has spread his legs under Dove's mahogany.

He is a "fluted pillar" in the Methodist Episcopal church, with a coin capital, and as the church never takes money without adequate compensation, it stands by him. He is a genial, jolly pushing business man, believing in all important law matters. He can hire a good lawyer to help him cheaper than he can spend the time to learn it. He owns farm after farm, and, curiously enough to others not so successful, he makes them pay. He mixes brains with his farming, as with his other business.

William Baum studied law and was admitted, but he at one time moved to St. Louis, and at another to Milwaukee. He is a trader and money-lender, and gives the latter more attention than he does his legal business, and makes a success of it.

W. O. Wallace is state's attorney and is serving his second term; he took a degree at Ann Arbor. He was brought up in the eastern part of Shelby county on a farm; he was at one time a partner of Mr. Thornton. He married the daughter of George Bolinger, a merchant of Shelbyville. Mr. Wallace is somewhat of a commercial gentleman. He has remarkable success in getting parties charged by the grand jury to plead guilty.

One of the latest additions to Shelby county bar is J. K. P. Grider, who was raised in Windsor on a farm. He is a patient, persistent young man and stays with a case for all there is in it, and will make a very good and safe lawyer.

Thomas Righter, until two years since a teacher in Stewardson, is now an active member of the bar. He is big and good-natured and flounders somewhat, but gets hold of a fair share of business.

B. F. Wilson, for two terms the police magistrate of Shelbyville, has many of the natural qualifications of an excellent lawyer, his reasoning faculties are first-class; he is cool, deliberate and impressive. He made a good magis-

trate and would make a first-class county judge. He lacks only experience to make a number-one lawyer.

Another of the bar who was raised near Windsor is Eben A. Richardson, a son of George A. Richardson, a farmer, preacher and justice of the peace, and one of the pioneers of Sand Creek. "Twig," as he is familiarly called, is a character. His early education was neglected, or he has a faculty of murdering the good English, yet he has such strong common sense, and such a vigorous way of putting it, that he makes court or jury understand exactly what he means.

He also knows the law in no poor way and reads the cases in our reports with as clear an understanding as any member of the bar. He is a good mixer with all the sovereigns that come from the river hills, or the landed aristocrats that drive in on two wheels from the "black stick." He is on familiar terms with all and can bite off a large section of Lincoln green, and get on the good side of any of them. His judgment about a juryman and what he'll decide in a given case is as good as anybody's. He is master in chancery and makes it pay, and his findings on referred cases are more than likely to stand with the court. He has a wife and baby boy, of whom he is justly proud.

Milton Barbee has a good legal mind, but has been school superintendent for two terms, and the duties of that office were so engrossing that he permitted himself to grow rusty in the law. He illustrates the common saying that the law is a jealous mistress and demands exclusive devotion at her shrine. This is the only place that law is described by the gentle gender, yet justice is usually symbolized as a blind goddess, holding the scales in one hand, an even balance, and a drawn sword to execute her just judgments. Upon school law and insurance Barbee is well up, and if he will apply himself to faithful study can easily take a good rank in the profession.

One of the latest accessions to the bar is William H. Chew, now a partner of Mr. Chafee. He is a talented young man, a son of Hon. William Chew, and nephew of Hon. W. C. Headen. He has every reason to look forward to a fine career. He has a natural talent for speaking, is a close reasoner and a clear thinker, is willing to work and knows how to prepare and present a case to the best advantage.

George B. Rhoads is another new, bright young lawyer. He studied law in the office of Moulton, Chafee & Headen, and was admitted to practice before he was twenty-one years of age. He graduated from the city school, and passed an examination as pharmacist before he was eighteen years old. His father is a druggist, so that the boy learned pharmacy from necessity, but he is a born student, reads Latin and French with ease and has also mastered shorthand to aid him in his profession. He is a walking encyclopedia and is past master in Bible lore, being a strict believer in John Calvin.

These side issues are his amusements, but for real delight he studies law, and runs a principle from Blackstone down to the last of volume of the supreme or appellate court, and when he has gone over it he knows it, and has no stammering hesitancy in telling it to the court. He has tireless industry, health, youth and ambition, and lacks only opportunity to make a great lawyer.

On the bench, if he ever gets there, he would be a servant of the people that would save money to the public and be a delight to an intelligent bar.

William H. Ragan is at present county judge, succeeding Judge Ames in that office. He is also mayor of the city, and until the last election was on the school board. He was the son of a poor farmer in the county, and has made his way without financial aid. He supplemented his work on the farm with school-teaching until he became a lawyer. He lived with old 'Squire Henry when getting his education, and did the work, in doors and out, night and morning, and when his morning work was completed he literally ran to school. He is an easy talker and has talked his way over the county in nearly every school-house, and the admiring Democracy have hung upon his words and rewarded him with office. He was for several years partner of William H. Kelley and recently has been associated with Judge Thornton.

Hon. C. R. Torrence was born and reared at Cowden, this county. His practice has never been great, but that which he has done shows care and ability. He has been a Republican all his life, was elected to the legislature in 1896 and served with credit. He was one of the staunch supporters of Hon. William E. Mason for the United States senate. He is a candidate for re-election to the legislature at time of this writing. Mr. Torrence is connected with the Methodist Episcopal church, owns considerable land, has a fine family and enjoys the pleasures of home.

William H. Craig is the latest addition to the bar of Shelby county. He was the first man to pass the examination for admission to the bar under the new rules, and was the only man out of a class of seven that met with success. The Chicago Legal News and other legal papers made extended notice of this fact at the time. Mr. Craig has been engaged for several years in the abstract business and has thus far not engaged in the active practice of his profession.

ANECDOTAL PARAGRAPHS.

S. W. Moulton enjoyed the reputation of being a very bad penman, and many who were unfamiliar with his writing could make poor progress in trying to read it. He was at one time school superintendent in this county and issued, in the absence of printed blanks, which were not common in those days, written certificates. It is related that J. William Lloyd once captured a bug or spider and after dipping it in ink made it crawl over a sheet of paper and then took it to Moulton to read. Moulton looked at it and tried hard to make some sense out of it. Finally he said: "Bill, I wrote that, but I'll be d—d if I can read it now."

Another story has been told, but it is doubtless apocryphal. He was very near-sighted, yet very polite,—particularly to ladies. Some brother member of the legislature reported of him that he and Moulton were walking out one evening after session to get fresh air. Springfield then was only a village, and the town cows were pastured in the vacant lots. This member tells that when he and Moulton came up to one of these gentle creatures in their path, Moul-

ton touched his hat and said "Good evening, madam," before he saw it was a cow. Coming back, a little later, they met a woman near the same place, when Moulton took her breath away by saying: "Get out of the way, you d—d old rip, I spoke to you once to-night."

The wit of the Irish has been shown under all circumstances, and Shelbyville has illustrations of it. Jerry Sullivan is a well known character and full of wit and most ready to try it on any body. He can't read at all and was and is a Democrat, from principle, of course. When H. S. Mouser followed Greeley into the Democratic party he was taken up by the party and nominated for school superintendent of the county. Some time afterward a Republican, thinking to have a little fun with Jerry, asked him: "How is it, Jerry, in a county where the Democrats are two in number to one Republican, your party takes up the first renegade that goes into your ranks and gives him office?" Jerry said, in his richest brogue: "In the ould countree when a strange caat cooms to a house and the folks want to keep the caat they always grease his paas."

Judge Thornton disliked Henry with a real relish, and Henry's pronunciation of his name always made him wince. Mr. Henry always added a syllable and made it Thornington. Thornton always snorted when Henry essayed the use of any of the law Latin common in the books, as he was sure to break all the rules of accent and probably mispronounce every word. One day they met in a justice court and the justice of the peace was not "learned in the law." The writer was an interested looker on to learn how battles were fought and won. The writer had the closing speech. Henry used a Latin maxim supposed to apply and settle everything, and, having argued all the points, sat down after his learned peroration. The justice of the peace was a little man, seated in a "split-bottom" chair. Mr. Thornton commenced to rise up and when fully straight towered way above the little court, and with his long finger close to the court's nose he began in his most profound and impressive manner to talk to the court in all the law Latin, law French and odd lines from Homer that he could remember, never smiling or letting the court or Henry know he was not in dead earnest. For fifteen minutes he held the court in awe, and at least astonished the rest of us. He sat down, and the court, knowing the judge's learning, concluded he must be right, and decided for him.

At the time George D. Chafee was in the legislature there was a determined effort on the part of the Democratic minority to prevent appropriations, or reduce them, for all the public institutions,—particularly the Soldiers' Orphans' Home, at Normal.

Durfee, of Decatur, was selected to make a fight upon this, and Chafee was to champion it. When the motion was made for the final passage of the bill Durfee got the floor and, reading several extracts from some part of Gulliver's Travels, informed the Republicans they would live to regret their votes to squander the public money, and after stating that the war had been over for twenty-five years, he asked the gentleman from Shelby how long the Republicans intended to vote away the money of the people for soldiers' orphans.

After briefly going over the situation Chafee answered that, "So long as any old soldier had virility enough to beget a child the Republican party proposed, in gratitude for the father's patriotism, to take care of and educate his child." Then saying that he, too, had read Gulliver, he continued by stating that he would tell the gentleman from Macon and his party that though they used the same engines that Gulliver had used on the queen's palace, yet they could not quench the fire of patriotism or wash away our Republican charitable and benevolent institutions,—their engines were totally inadequate.



Wm. H. Barnum



CHAPTER XXVI.

CONTEMPORARIES OF THE CHICAGO BAR.

WILLIAM H. BARNUM.—The leaders in the history of the world are few, the followers many. It is the rare exception when one steps from the beaten paths wherein the multitudes walk to stand far in advance and point the way to greater possibilities and higher achievements. This is as true in the realm of thought as in the more material walks of life. The mind seems loath to accept a new truth, an unfamiliar idea; but advancement presents an ever-broadening view, and, as from a mountain height, the individual looks abroad over an extended landscape which in its entirety presents phases undreamed of when only seen in part. Viewed from one standpoint only, an incomplete conception is gained of the subject under consideration; it must be seen in its many-sided aspects if a true idea is reached. Especially does this apply to a question in litigation. Every circumstance that may have direct or indirect bearing upon it must be considered; analysis must separate it into component elements; judgment must determine the relative value, and place the points with regard to principal and subordinate; discernment must compute the effect of the arrangement; and rhetoric, in brief or argument, must present this in the most effective way. Many lawyers possess one or more of these essentials, but it is the possession of all that has made William H. Barnum one of the leaders in "the greatest of all the professions." A distinguished jurist, he stands in advance of the majority, and so prominent and well versed is he in the law that many important questions with which he has been connected have settled the law of the state, based upon his arguments.

This well known member of the Chicago bar was born in Onondaga county, New York, February 15, 1840, but when a child of two years became a resident of Illinois, his parents locating in Belleville, St. Clair county, in 1842. His elementary education was obtained in private schools and at the age of sixteen he became a student in the State Normal School in Ypsilanti, Michigan, where he remained for two and a half years, interrupted, however, at intervals by his teaching in the schools of Belleville. As a sophomore he entered the University of Michigan, at Ann Arbor, in the fall of 1858, and though compelled to relinquish his course in the junior year he was, many years ago, made the recipient of an honorary degree from that institution. On leaving Michigan he resumed teaching in Belleville, keeping up his classical, literary and historical studies under competent instructors in Latin, Greek and German. His systematic preparation for the bar was begun in 1860, when he became a student in the law office of Hon. George Trumbull, of Belleville. At that time the bar of Belleville numbered among its members some of the most distinguished men of the state

and nation, a fact which naturally fired the ambition of the youthful student. Admitted to the bar in 1862, he began practice in Chester, Randolph county, Illinois, and practiced for the five ensuing years in that circuit, comprising five counties. He followed his cases to the supreme court. During three of his five years' residence in Chester he served, by appointment, as master in chancery. His clientage rapidly increased, but, being eager for a wider field, in the fall of 1867 he came to Chicago on the invitation of Lawrence J. J. Nissen, with whom he formed a partnership, which lasted about eleven years. During this time he attended almost exclusively to the court practice of the firm and acquired considerable distinction as a trial lawyer, as well as for his legal arguments and briefs in the supreme court. For little more than a year George F. Harding was associated as a member of the firm. Upon the dissolution of the partnership Judge Barnum and Cornelius Van Schaack became co-partners, and that connection continued until Judge Barnum's elevation to the bench of the circuit court of Cook county in the summer of 1879.

As a jurist he has ever evinced a broad knowledge of law and equity jurisprudence, a conscientious regard for the rights of all classes of litigants, and excellent capacity for research and investigation. By arrangement with his colleagues he occupied the chancery bench for three years, and during that time disposed of a large amount of business. There were on the docket a large number of cases and motions in arrears from former years, and many of them very difficult ones. The bar generally appreciated and commended the facility as well as the thoroughness with which the work went forward in Judge Barnum's hands. By means of general calls, expeditious disposal of business and invariably speedy decisions of causes and motions, his chancery calendar was reduced to comparatively small and quite manageable proportions, when, in September, 1882, it was turned over to his successor. Judge Barnum then took up a common-law docket pursuant to the arrangement mentioned, not because of any preference for it but from a desire to keep abreast with the bar and with the progress of the legal questions through the courts. He held terms of the criminal court also and presided there at many important trials. In the course of his judicial duties in the several departments mentioned he was called upon to decide causes of great magnitude, of public and private concern, and questions of unusual difficulty and delicacy. His decrees and judgments were almost uniformly affirmed, for he was strictly fair and impartial, no matter what the public sentiment or who were the parties engaged in the controversy. He resigned December 1, 1884, near the close of his six-years term, declining to accept another nomination, when such a nomination, indeed, would have been equivalent to an election. His course on the bench was absolutely fearless, just and above reproach.

It was Judge Barnum's desire, however, to resume the private practice of law, and he became the senior member of the law firm of Barnum, Rubens & Ames, and in this relation his success was marked and immediate. This connection was continued for three and a half years, when Judge Barnum withdrew in order to associate with him in a law partnership his son, Albert, who had just

returned from Yale College and been admitted to the bar; and they are still associated in practice. The Judge seems equally versed in every department of jurisprudence, and in all occupies a commanding position, which excites the admiration of the entire profession. He is essentially a natural lawyer, and his strong mental endowments and acquired ability have gained him a foremost place in the ranks of those who devote their energies to the calling. With a power for concentration, a capacity for details, and a comprehension of view, he unites a will for application that knows no diversion from its purpose and no hesitation before accomplishment.

It would be difficult to find a lawyer of his age in the state who has tried more causes and written more briefs and arguments than Judge Barnum, or withal met with more uniform success; and some idea of the great extent, variety and importance of his legal business may be gained from the following record illustrative of the cases he has tried in the state and federal courts. Scarcely had he taken up his residence in Chicago, in 1867, when he became connected with the famous Uhlich will case, which involved land and buildings then worth a million and a half dollars. Fifteen months were devoted by Judge Barnum to the preparation and trial of the case, and the record covered twelve hundred and fifty large printed pages. The supreme judges were nearly equally divided as to its decision, which was delayed some three years. The final decision is reported in *Illinois Reports*, volume 61, page 499. Judge Barnum's briefs in this case were in general demand among his fellow lawyers and gave him at once a commanding position at the Chicago bar.

A case of almost equal celebrity at the time, in which Judge Barnum rendered his services gratuitously, was that of a little boy, Daniel O'Connell. It was a habeas-corpus case before the supreme court in 1870. The result of his efforts was not only the liberation of the boy but the breaking up of the old Reform School outrage, through the able and eloquent decision rendered by Justice Thornton, reported in 55 *Illinois Reports*, 280. In that case it was held that the state, as *parens patriae*, could not exceed the power of the natural parent except in punishing crime. It was said, "If a father confined or imprisoned his child for one year a magistrate of the law would frown upon the unnatural act, and every tender mother and kind father would rise up in arms against such monstrous inhumanity. If, without crime, without the conviction of any offense, the children of the state are to be thus confined for the good of society, then society had better be reduced to its original elements and free government acknowledged a failure."

An absolutely novel question of the utmost importance arose in the equally celebrated case of *Hughes vs. Washington*, reported in *Illinois Reports*, volume 65, page 245. Judge Barnum wrote the briefs for the successful party in the case, but for reasons personal to himself and his client consented that his name should not appear. His success enabled Mr. Hughes ultimately to recover a large part of the lands involved, as will appear in *Illinois Reports*, volume 72, page 84. Prior to the employment of Judge Barnum the case had been decided against Hughes just before the conflagration of 1871, which destroyed all the volumi-

nous records, pleadings and proofs, but the decree had not been signed or filed. The pleadings having been afterward supplied, the defendants asked a postponement of the entry of the final decree until they could restore the evidence upon which it was based. This was denied, and the chancellor rendered a final decree against the defendants from his recollection of the destroyed evidence. This was held to be error and the cause was reversed accordingly. It was held that the court, before passing the decree, should have allowed a reasonable time for the defendants to restore the evidence, as that was the only means by which the defendants could make their right of appeal availing. Here it will be seen another great constitutional right, the right of appeal and to make the appeal available, was established through Judge Barnum's efforts. It is a right as invaluable as that vindicated in the foregoing case of Daniel O'Connell. The lands involved were known as the "Kingsbury" and "Webster" tracts, which value exceeded half a million dollars. The descendants of the Confederate officer, Colonel Washington, a grand-nephew of George Washington, were parties to the suit.

Time and space would not permit any extended notice of the celebrated Turner-Hill land litigation, which was conducted by Judge Barnum through nearly all the civil and criminal courts of Cook county, and the United States circuit court through a series of years from and after the year 1875. Several other important suits relating to the same lands had previously been conducted by Judge Barnum to a successful close, when, late in December, 1875, deeds dated in 1836 and 1842 for the first time appeared of record, and on the same day and shortly afterward some fifty or more ejectment suits for the land were brought in the United States circuit court in Chicago. Judge Barnum conducted the defense of all these cases and after some months of preparation and the taking of innumerable depositions succeeded in satisfying the court and jury, after a six-weeks trial, at which an army of witnesses testified, that the deeds were forgeries.

The case was full of dramatic incidents. For months, and even years, public attention was riveted upon it, and upon the prosecutions for the forgeries in the criminal court. The newspapers teemed with daily accounts of all the incidents of all the several trials, the addresses of the counsel and the charges of the courts. Never before or since has there been any such remarkable litigation in Chicago or in the west. Judge Barnum's already great reputation was heightened to almost national proportions by his management of these great and difficult cases against such lawyers of national reputation as Emery A. Storrs, Leonard Swett, Orestes Browning and others of almost equal fame. Nothing less than a volume would suffice to delineate the striking incidents, circumstances and episodes of the trials, and the intricate and knotty questions of law which were stubbornly fought over, inch by inch, from the beginning to the end of the litigation. A friend of the Judge's, on congratulating him upon his victory, well remarked that such a case was in itself a liberal education. The cases bristled with almost all conceivable questions of real-estate and criminal law, and particularly the law of evidence. The forged titles were completely routed. The career of forgers

and their forgeries, which had bid fair to become an extensive one in this county, was cut short. The owners of real estate lying near Chicago, many of whom had been or were about to be victimized, breathed freer. The clouds were lifted from the possessions of the South Park commissioners, and many other property owners, upon whom the land pirates had commenced their operations. In the press and in many private letters of congratulation Judge Barnum was declared to be a public benefactor and to have earned the good will, not only of this community, but of many others throughout this state, and four or five other states to which the piracies had extended. Nothing more memorable and commendable than the results of this fight was ever accomplished by any lawyer in the state of Illinois.

Questions of incalculable importance under the eminent domain laws of the state were settled for the first time in the city of Chicago against Barbien,—Illinois Reports, volume 80, page 482—which has ever since been followed as a leading precedent. This was a mandamus case growing out of the condemnation of property for the widening of North State street in Chicago. The decision arrived at was in conflict with the conclusions of courts of last resorts in several other states and was welcomed as a godsend by the then impoverished city administration of Chicago, with which the supreme court evidently sympathized not a little.

Judge Barnum achieved a signal success in the great real-estate case of Horne versus Ingraham, in which he appeared in the court below and wrote the briefs in the supreme court for William S. Ingraham. This case will ever remain a leading authority on the subject of partnerships in real-estate investments. An enormous tract of Chicago land of immense value was involved. The case is reported in Illinois Reports, volume 125, page 198.

The case of Tierney vs. the Laffin-Rand Powder Company involved the liability of that company for the consequences of an explosion of its powder house, resulting from a stroke of lightning. Both the appellate and supreme courts found the case a difficult one to decide. Two conflicting opinions were written by the latter court, the last of which, on a rehearing, was in favor of Judge Barnum's client, Mrs. Tierney, whose house, about a half mile distant from the powder house, was destroyed by the explosion. The case is reported in Illinois Reports, volume 131, page 322.

The firm of Barnum, Rubens & Ames argued and presented to the supreme court, in Dennehy versus City of Chicago, what is known as the Wholesale Liquor Dealers' License cases, involving the question whether the licenses imposed were or were not a tax, and whether the city had or had not the power to impose it. This case was ably argued on both sides. The decision was in favor of the city,—Illinois Reports, volume 120, page 627. One of the learned justices dissented. The law on the subject was thoroughly reviewed and clarified; and from a legal standpoint the decision has been regarded as reducing the law on the subject to a state of stability.

The case of Hill versus Harding et al. illustrates the tenacity of purpose and conviction with which Judge Barnum clings to his views of the right and

justice of his case. This litigation lasted altogether thirteen years, and ended in his favor. It went through every court of Illinois three times and twice to the supreme court of the United States. It is reported in Illinois Reports, volume 83, page 77; and volume 116, page 197; United States Reports, volume 107, page 631; and volume 130, page 699. Most delicate and perplexing questions of attachment and bankruptcy law were argued and settled forever, to the great advantage of the profession and the public in all subsequent and future cases.

The case of *Brown versus Luehrs* affords a scarcely less striking instance of continuity of purpose and persistent fighting to a successful termination. This case likewise went twice through the courts of law and chancery of this state to the supreme court. It illustrates the doctrines upon which courts of chancery will and will not grant new trials at law. It is reported in Illinois Reports, volume 79, page 575; and volume 95, page 195; and Illinois Appellate Reports, volume 74.

A most interesting and instructive case turning on forged judgment notes, judgment thereon, sales thereunder, homestead laws and jurisdiction, was that of *Bullen versus Dawson*, reported in Illinois Reports, volume 139, page 633.

Ames versus Moir elucidated and settled the question what is "a debt," "created by the fraud of a bankrupt," within the meaning of the bankrupt act. Judge Barnum was associated with John G. Reid in presenting this case to the state and federal supreme courts,—Illinois Reports, volume 130, page 582; and United States Reports, volume 138, page 306.

In the *Butler Paper Company versus Jeffrey*, Judge Barnum scored a signal triumph in an important case,—Illinois Appellate Reports, volume 37, page 96, and Illinois Reports, volume 151, page 588.

Shearer versus Pacific Express Company, involving the liability of express companies as common carriers and the consequences of mis-delivery of a package of money to an impostor, has had many vicissitudes in the trial courts, the appellate court and the supreme court; first lost in the circuit court, then won in the appellate court,—Illinois Appellate Reports, volume 42, page 641; won again in the circuit and appellate courts, then lost in the supreme court, then won on a rehearing where the first opinion was against the consignor; but the latest was in his favor,—Illinois Reports, volume 160, page 215. It is difficult to conceive a case of greater interest to express companies and other common carriers and to their customers, the consignors and shippers of money and merchandise.

In the case of *Waldron versus Waldron* a man's first wife sued his second wife for the alienation of the husband's affections. Judgment went against the defendant in the United States circuit court for seventeen thousand and five hundred dollars. Judge Barnum was subsequently employed to take the case through the federal supreme court. He obtained a reversal, reported in 156 United States Reports, 453. He was opposed by eminent counsel.

Among Judge Barnum's more recent cases may be mentioned *Durborow versus Niehoff*,—Appellate Reports, volume 37, page 403; *Charles versus Remick*,—Illinois Appellate, volume 50, page 534; Illinois Reports, volume 156, page

327; *Western Indiana and Belt Line Railroad versus Flynn*,—*Illinois Appellate Reports*, volume 54, page 387; 154 *Illinois Reports*, volume 154, page 448; *Smith versus Chytraus*,—152 *Illinois Reports*, 664; *Ryan versus Cudahy*,—*Illinois Reports*, volume 157, page 108; and *Stiles versus Stiles*. The latter case was won before Chancellor Ewing, who saw and heard all the witnesses and their conflicting testimony. That learned Chancellor delivered an elaborate and eloquent opinion, completely exonerating Judge Barnum's client and vindicating her innocence.

The appellate court of the first district unanimously affirmed his decree in a strong opinion delivered by his Honor, Judge Gary,—*Appellate Reports*, volume 62, page 408. In confirmation of these opinions another was written by Mr. Justice Harker in the appellate court of an adjoining district, in which he said there was not a syllable of incriminating evidence, and that to sustain a conviction would be to convict upon mere suspicion,—*Appellate Reports*, volume 65, page 501.

But the supreme court, which never had the opportunity of seeing the witnesses, held otherwise,—*Illinois*, volume 167, page 576.

The decision of the supreme court in *Ryan versus Cudahy* is regarded as having upset all legal precedents in *Board of Trade* cases, and, as one of the daily papers has expressed it, "specifically disposes of the board's time-honored assumption that it is, as between its own members, a law unto itself." "It seems plain," says the court, "that where property rights are involved, as in the case here, the courts have the power to so far supervise the action of a tribunal like the one in question as to determine whether they have proceeded according to the rules and regulations provided for their action, and, if they have failed in a substantial manner, correct abuses which may result from their unwarranted procedure." The case grew out of a corner in short ribs run in the year 1892. Ryan appeared before a committee appointed by the board to dispose of a large sum of money which had been put up as margins. Under Judge Barnum's advice his client, Ryan, offered to prove before the committee facts showing that the market had been manipulated, but the committee, adhering to the practice which all prior committees had followed in such cases, refused to hear any evidence whatever, excepting the price of sales on the board on the day of delivery. The supreme court decided that the committee . . . "had no right to confine their investigations to the mere differences between the contract price of short ribs and the price at which the sales were made on the board on the day of delivery, closing their eyes to the facts that these sales may have been false, fraudulent and fictitious,—sales brought about by fraudulent combination and violation of the statute of the state. If the committee is to be confined to a mere calculation of the differences between the contract price and the figure established by combination on the board of trade on the day of delivery, regardless of the fact whether such figure is real, fictitious or manipulated by a corner, then a tribunal of that character is but a device for legalizing acts prohibited by the common law of the state,"—157 *Illinois Report*, 108.

Taking all in all, in view of its future salutary effects, this is probably the most important Board of Trade case decision ever rendered in this state.

Joel W. Stevens was born in the city of New York September 7, 1854, acquired his education in his native state and spent his youth in the east, but when seeking a favorable business opening he chose Chicago, the city marvelous,—whose doors are ever open to the ambitious, energetic and honorable men who would by merit advance from obscurity in business life to fame and fortune. Endowed by nature with strong mentality and trained by education and culture, he came to Chicago in 1885 to take his place among those who are contending for the rich prizes offered the energetic, the persevering and the enterprising. He had determined to devote his life to the law, and in 1896 was admitted to the bar. Opening an office in this city, he began practice and has succeeded in winning a good clientage. He soon recognized that competition was rife, but that real merit finds ready acknowledgment; and, not afraid to study and work, he has steadily advanced to a place where he commands attention and respect by reason of his ability. "He was the leading counsel," said a law journal, "in the celebrated Bates bigamy case, which perhaps attracted more national attention than any case of like character ever tried. The defendant was a unique character in the matrimonial world, and his propensity for frequent marriages, the facility with which he contracted them, the resourcefulness displayed in caring for so many different households upon a meager salary and the diplomacy displayed in keeping each household ignorant of the existence of the other, evinced mental and moral conditions that gave concern to humanitarians, social economists, insanity experts and medico-legal jurists in this country and Europe. Mr. Stevens did not succeed in acquitting his client, because a lawyer cannot achieve the impossible; but his conduct of the defense was exceedingly clever, displaying extensive knowledge of the law of the case and a familiarity with the art of defense that excited comment from the bar and the public press. Another important case with which Mr. Stevens was identified as chief counsel was the Barber forgery case."

He is not only a competent lawyer but is a man of resourceful business ability, whose connection with several important enterprises has materially advanced their interests. For some years he was chief engineer in the marine service and for fifteen years was superintendent of the Merchants' Arc Light and Power Company, resigning the latter position in 1897. His practical and scientific knowledge of engineering and electricity, supplemented by his executive ability, fully equipped him for the discharge of the responsible duties devolving upon him. He has keen discrimination in business affairs, remarkable sagacity and excellent executive ability.

On the 14th of December, 1876, Mr. Stevens was united in marriage to Miss Mary Stevens. Socially he is connected with the Masonic fraternity, having for a number of years been numbered among its leading representatives. In politics he gives his support to the Republican party when matters of public policy are involved, thus voting the national and state Republican tickets. He has in his possession a most interesting relic of the most famous leader of the Republican

party,—a business card on which is inscribed, "A. Lincoln, Attorney and Counselor at Law, Springfield, Illinois." Attached to this is the following unique statement: "To whom it may concern: My old customers and others are no doubt aware of the terrible time I have had in crossing the stream, and will be glad to know that I will be back on the same side from which I started on or before the 4th day of March next, when I will be ready to swap horses, dispense law, make jokes, split rails and perform other small matters in a small way."

Robert H. Parkinson, an able member of the Chicago bar, is a native of Maine and a graduate of Dartmouth College. He was admitted to the bar in 1872 in St. Louis, Missouri; from 1874 to 1893 he resided in Cincinnati, and since then has been a practitioner in Chicago.

Leander D. Condee was born in Athens, Ohio, on the 26th of September, 1847, and is a son of Henry M. and Jane (Rickey) Condee. In 1854 he accompanied his parents on their removal to Illinois, the family locating on a farm in Coles county, and later removing to Kankakee county, where he pursued his education in the public schools. Later he entered the University of Michigan and on the completion of the prescribed course was graduated in 1868. The following year he began the practice of law in Butler, the county-seat of Bates county, Missouri. In 1873 he came to Chicago, where he has since continued in active practice, and during his twenty-five years' connection with the Chicago bar he has won a place of distinction among his professional brethren. He first formed a partnership under the name of Richmond & Condee, which firm was succeeded by that of Condee & Bliss. Subsequently he entered into partnership with John A. Rose, under the firm name of Condee & Rose, which connection was continued for ten years, since which time Mr. Condee has been alone.

Mr. Condee has always been known as a general practitioner and for many years has enjoyed a very extensive clientele, having served as counsel in the trial of some of the most important suits that have been heard in the Chicago courts. He served for four years as attorney for the village of Hyde Park before its annexation to the city and when it was the largest village in the world.

In politics he has always been a stalwart Republican, and creditably served as a member of the state senate from 1880 until 1884. In 1892 he was his party's candidate for judge of the superior court, but with the others on the ticket met defeat. Since that time he has taken no active part in politics, his entire attention being given to his extensive law practice. He possesses all the essential qualifications of the most able lawyers, the power of keen analysis, close reasoning and precision in the preparation of his cases, and in argument he is forceful and convincing before both judge and jury. He seems almost intuitively to grasp the strong points of law and fact, while in his briefs and arguments the authorities are cited so extensively and the facts and reasoning thereon are presented so cogently and unanswerably as to leave no doubt as to the correctness of his views or of his conclusions. He is now professor of the law of corporations in the Chicago College of Law.

Mr. Condee is married and resides in Kenwood, and is a member of the



his native state and later studied in the State Normal University at Normal, Illinois. He came to this state at the close of the civil strife in 1865. The vicissitudes of war had left him penniless, and locating in Ramsey, a small town on the Illinois Central Railroad, he began hauling ties and working on the road as a section hand. His energies and attention were devoted to teaching from 1867 until 1869, and when not confined with the duties of the school-room he gave his time to the mastery of the principles of jurisprudence. He afterward read law in the office of Henry & Fouke, and in January, 1873, passed an examination before the supreme court at Springfield and was admitted to the bar of Illinois. He began practice in Vandalia and at once attracted so much attention in legal circles that he was elected prosecuting attorney of Fayette county the same year, filling the office until 1876. In the latter year he was nominated by the Republican party for congress, and although unsuccessful such was his popularity that he reduced the former Democratic majority of his district from five thousand to fourteen hundred.

Mr. Ashcraft has always been a close and careful student, and the business entrusted to his care has always claimed his undivided attention, his devotion to his clients' interests being proverbial. This, combined with his capability in the presentation of a case to judge or jury, soon won him success, and he rapidly secured a good clientage at the bar of Vandalia, where he practiced for fourteen years. He met in forensic contest in southern Illinois such eminent jurists as John Scholfield, of Marshall, later chief justice; Anthony Thornton, of Shelbyville, for several years a member of the supreme bench; Jesse J. Phillips, of Hillsboro, who was also chief justice; John M. Palmer, of Springfield; S. M. Moulton, of Shelby; and B. W. Henry, of Fayette and to his contests with these men he attributes much of his success as a trial lawyer.

In April, 1887, Mr. Ashcraft became a member of the Chicago bar and of the firm of Cratty Brothers & Ashcraft, the latter connection continuing until the 1st of June, 1891, when he became a member of the present firm of Ashcraft & Gordon. As a member thereof he contributes largely to its reputation for the thoroughness, ability and integrity which so signally characterize the discharge of its professional obligations and have in a few short years made it one of the solid, reliable law firms of the city. Mr. Ashcraft is distinctively a trial lawyer, and from the time of his arrival in Chicago he has been eminently successful, having all the business he can attend to, while his reputation is such that he is in a position to select his cases. He is one of those shrewd and kindly lawyers who know at first glance the practical and common-sense side of cases coming under his ken, which makes his work easy and sure when he takes hold of a suit.

In 1875 Mr. Ashcraft was united in marriage to Miss Florence R. Moore, daughter of Ridsen Moore, of Belleville, Illinois, and they have four children: Raymond M., Edwin M., Florence V. and Alan E. Mr. Ashcraft belongs to the Hamilton Club, is a prominent Mason, and has always been a stanch Republican in his political associations. A contemporary biographer has said of him: "A tireless worker, persevering and industrious, he never relaxes his energy until

the case or the work he has in hand is completed. He is a forceful speaker, his style of argument being at once clear, logical and convincing. He never resorts to claptrap, and indulges but little in flowers of rhetoric, but in a plain, matter-of-fact manner appeals to the good sense and judgment of his auditors. He is a man of broad humanity, strict integrity and great popularity, and counts among his personal friends men of all classes and ranks, and is justly entitled to be regarded with Chicago's leading lawyers."

Henry S. Monroe, although he has almost reached the psalmist's span of three-score years and ten, is still engaged in the active practice of his profession, and the energy and enterprise with which he prosecutes his law business sets to shame many a younger man who, grown weary of the strife of life, shrinks from further contact with it. For forty-two years Mr. Monroe has practiced at the bar of Chicago, and the prestige which he soon gained has never been lost; in fact, the favorable judgment which the public passed upon him in the early years of his professional career has but been strengthened with the passing decades as he has successfully mastered the most intricate problems which the law presents.

Mr. Monroe was born in Baltimore, Maryland, February 9, 1829, and is a son of Dr. Henry Monroe, a native of New York, who in the winter of our subject's birth visited Baltimore for the benefit of his health, which was then greatly impaired. He had already won a high reputation in medical circles when, at the age of twenty-six years, he was obliged to leave Broome county, New York, and seek respite from his labors. The Monroe family was a prominent one in New England in colonial days, and thirteen of its members are said to have served in the battle of Bunker Hill. In the spring after the birth of his son Henry, Dr. Monroe returned to Broome county, New York, where he secured wild land, which he transformed into one of the best farms of that locality. His wife, who bore the maiden name of Sylvia Thomas, and whose mother belonged to the distinguished Stanton family of western New York, was a lady of culture and refinement, and during the first ten years of Henry Monroe's life she was to him teacher, parent and guide, her influence on his character being most marked. As the boy grew, various farm duties were assigned to him, and after he had assisted in the work of plowing, planting and harvesting, he entered the district schools of the neighborhood, where he laid the foundation for a good education. Of a studious nature, he made rapid advancement in his studies. He was especially fond of history and was very proficient therein. He prepared for college in Oxford, Chenango county, New York, and at the end of three years entered the junior class of Geneva College, New York, where he graduated with highest honors, being valedictorian of the class of 1850.

In the office of Henry R. Mygatt, of Oxford, New York, one of the ablest lawyers of the state at that time, Mr. Monroe began the study of law, and while pursuing his studies taught school for a few terms. In 1853 he was admitted to the bar, and purchasing a few law books with borrowed money he came to Chicago, where he had only one friend living, Hon. Stephen A. Douglas, who introduced and recommended Mr. Monroe to his many friends. In a short time



Henry S. Monroe



the latter had many acquaintances, friends and clients, his social qualities rendering him popular, while his genuine worth commanded the respect of all with whom he came in contact. He opened an office early in the spring of 1855, and his practice has grown with the growth of the city, until it has now assumed very extensive proportions and is of a very important character.

In the early days one of the most important cases which he tried was that of Martin O. Walker versus John Frink, two well known stage-coach proprietors. He appeared alone for the defense, while arrayed against him were several of the most prominent members of the Chicago bar, and the signal victory which he won at once established his reputation as a most able advocate. Another important case which won him distinction was that of Fisher versus Stone, a case of malpractice, involving scientific problems then unsolved, in which medical men were profoundly interested, and in which leading men of that profession from New York, Albany, Philadelphia, Buffalo, Cleveland and Louisville were witnesses. Mr. Monroe completely mastered the details of the matter, went to the bottom of the subject, and astonished everybody, particularly the medical experts, with the breadth and accuracy of his knowledge, and his masterly presentation and handling of the case. It is stated that the result of the trial was to materially change the opinion of medical experts upon a scientific question involved, which was then unsettled, so much so that experts in Europe as well as this country, with very few exceptions, agreed with Mr. Monroe.

Among the important cases which he has tried in later years is the celebrated Michael Reese will case in California, an important land case tried before the chief justice of New Hampshire; others are the Emma mine controversy in Utah; the suit between the owners of the Dives and Pelican mines in Colorado; the case of Tilden and Myres versus the Chicago & Alton Railroad Company, tried in the United States court in New York; and later the celebrated case of Sturges versus Farwell and others, the Derby will case, and the case of Colehour versus Roby. The Sturges case perhaps attracted more widespread attention than any civil case ever tried in Illinois. Mr. Monroe controlled and managed it from beginning to end, and thereby won new laurels.

A contemporary biographer has said of him: "He encourages no one to go to law unless he has a clear case, but once his services are enlisted he labors with indefatigable zeal for the interests of his client. As leading counsel in important corporation, commercial and insurance cases, and in defending prosecutions under the revenue laws, his great success has been especially conspicuous. As cross-examining counsel, and as an advocate before a jury, he has few peers at the Chicago bar. Lately Mr. Monroe has been largely engaged in real-estate litigation, being the leader in this line of the profession in Chicago. The late Chief Justice Breese, of Illinois, in the case of Barret versus Spaid (Illinois Reports, volume 70, page 143), in speaking of Mr. Monroe, calls him 'a distinguished attorney of this court,' and says he 'is known to be able, honest and conscientious.' An eminent federal judge, before whom Mr. Monroe has tried a great many important cases, once stated to several members of the bar that 'as an all-around lawyer Mr. Monroe had no superior at the Chicago bar.'"

The following is sent to the publishers by one who is an able member of the bar and who has known the subject well in his professional and personal life:

I do not think any sketch of Mr. Monroe as a lawyer would be complete without mention of his peculiar and remarkable power as an advocate. I have heard him in the supreme court of the United States and that of Illinois; heard him argue cases in chancery and questions of law before trial judges. He always understands his case, and his statements of fact are clear, logical and convincing. I once heard him, in the supreme court of the United States, spend his entire time in stating the facts of his case, adding at the close: "If I have succeeded in fairly and truthfully presenting the facts of this interesting and complicated case, this court will, I think, have little difficulty in deciding it."

I think he is greatest before a jury. I have heard him in civil cases when everyone within sound of his voice, including judge and jury, bent forward and listened with breathless attention to his every word. I never witnessed such effect upon jury and audience as was made by his closing argument in defense of Charles Custer, indicted for the murder of Bill Ruse. The papers had all pronounced and the people thought it deliberate murder. No case in this city was ever more ably prosecuted. Custer, three days after he had been abused and thrashed by Ruse, loaded his gun and deliberately walked to Ruse's residence. Ruse came out bareheaded and unwarned, and just as he left the steps Custer, thirty yards away, raised his gun and instantly killed Ruse. The prosecution had no doubt of his conviction, and when the leading counsel for the state sat down everyone in the large and crowded court-room believed Custer doomed. Mr. Monroe rose, and his opening sentence enlisted the sympathy and attention of both jury and spectators. His analysis and grouping of the evidence was so marvelous and skillful that it threw a flood of new light upon the acts of Custer, which had before seemed conclusive of his guilt. For three hours the jury and spectators listened with breathless attention, the excitement and interest being often so great as to be painful. When he sat down everyone in the court-room believed Custer safe, and so it proved, in spite of the able speech which followed, and the charge of the judge, which was "dead against him." When Mr. Monroe ceased his argument he turned to me and in a whisper said: "This is the last murder case which I will ever try."

His defense of Joseph R. Bickerdike, for defrauding the government, was equally remarkable and ingenious. No one, not even his friends and relatives, believed he could be saved from the penitentiary if the prosecuting witnesses told the truth. Mr. Monroe put none on the stand, and still the jury, in five minutes, brought in a verdict for Bickerdike.

Mr. Monroe studies his cases, the facts in particular, so carefully that he is rarely taken by surprise, and the harder he is pressed the better he is. I once heard him in addressing a jury in a very important and interesting case so present the facts as to make both judge and jury believe that the decision of the case turned upon a single question of fact, and then bent all his energies to demonstrate that on that question the evidence was in his favor. He was never in better form or voice. His illustrations were so apt and his reasoning so convincing, and the jury so interested and excited, that when at the end of his argument he stepped forward and asked a question, which two of the jury instantly answered, Mr. Monroe won, and the opposing counsel relied upon this answer of the jurors in their motion for a new trial, but the presiding judge (the late Judge Rogers) refused it.

In 1856 Mr. Monroe married Miss Mattie Mitchell, daughter of William B. Mitchell, of Akron, Ohio. Until the death of his wife they maintained a leading place in a cultured society circle. The family relations of our subject have always been most pleasant, his children being worthy the love and respect of any man. Two of his daughters are distinguished writers, and his only son already occupies a high place in his profession and all hold high social positions.

Mr. Monroe has one of the largest and finest private libraries of the northwest, embracing the standard French and German as well as English works. At the time of the great fire in 1871 Mr. Monroe was the possessor of one of the most complete and extensive law libraries in the Mississippi valley. Not only does he find rest from his arduous professional duties in literature, but he also realizes the importance of a healthful physical development, and that a strong mind dwells in a strong body. To this end he has indulged a love of hunting and of driving a spirited horse, and to-day he possesses the physical and mental vigor of a man of much younger years.

Elijah B. Sherman, LL. D., lawyer and scholar, patriot and statesman, orator and author, occupies a conspicuous position among the gifted legists and citizens of the state. His influence is felt not alone in his profession, where he has won distinguished honors, but is manifest in public opinion and public action. He is interested from a humanitarian standpoint in the questions which affect the welfare of the race; from the standpoint of a scholar in those things which concern the mental development and show the trend of intellectual advancement of the age. He studies every issue that arises, not in an abstract sense but in its relation to the welfare of humanity; and while he is pre-eminently a lawyer, he is at the same time an able literary critic, a philosopher, a fluent writer, an able and eloquent speaker and above all a friend to humanity.

The independent and courageous spirit which characterizes all his actions probably comes to him from his Vermont ancestors, for that state has produced men who have ever been found as champions of liberty, order and humanity, since the time the Green Mountain boys went forth to defend their homes and families against the oppression of the British tyrants in the war of the Revolution. His grandfather, Ezra Sherman, was a descendant of Samuel Sherman, who came to this country with Rev. John Sherman and removed from Connecticut to Vermont, thus establishing the family in the latter state. The ex-secretary of state, John Sherman, and General William T. Sherman were among the descendants of Samuel Sherman; and his cousin, John Sherman, the sea captain, was the ancestor of Roger Sherman, one of the signers of the Declaration of Independence.

The father of our subject, Elias H. Sherman, was a Vermont farmer, and at his home in Fairfield, on the 18th of June, 1832, Elijah B. Sherman was born. His boyhood comprehended the almost invariable conditions from which the energies of our large cities are each year recruited. He had ambition without apparent opportunity; a taste for literature without the means of feeding it; a predisposition to thoughtfulness without the ordinary scholastic channels into which to turn it. The mountains have always been the great feeders both in nature and in society, and in Mr. Sherman's case what he then supposed were limitations upon his life were, in reality, its keenest stimulus and its highest opportunities. The poetic and aspiring element of his nature, shut out at first from the pedagogic training of the printed page, turned for relief to the mountains, brooks and meadows of his native state,—that school

from which came such lawyers as Evarts and Phelps, such statesmen as Colamer, Morrill and Edmunds, such modern heroes as Dewey and Clark of the Oregon, such artists as William Morris Hunt, Larkin G. Mead, Hiram Powers and many another of America's brilliant sons. With nature for a tutor and human life and his surroundings for his studies, Mr. Sherman found a school from which the city-bred boy is barred, and whence issue year by year the men who, in city and country, make events.

At twenty-one years of age he had, during a limited attendance at the common schools through the winter months, mastered the rudiments of an education. He then secured a clerkship in a drug store in Brandon, but not finding this to his taste he spent a year as a student in the Brandon Seminary and a similar period in Burr Seminary, in Manchester, whence he later entered Middlebury College, from which institution he was graduated in 1860. He met the expenses of his academic and collegiate course by teaching school a portion of each year, but he managed to win a fair share of class and college honors, and in 1885 his alma mater honored itself by conferring upon him the degree of LL. D., an act made significant by the fact that Middlebury College has conferred that degree upon less than half a dozen of its own children in the last forty years.

Following his graduation Mr. Sherman engaged in teaching school in South Woodstock for one year and then took charge of Brandon Seminary, where he remained until May, 1862, when he assisted in raising a company of the Ninth Vermont Infantry, Colonel George J. Stannard commanding. Mr. Sherman enlisted as a private but was made lieutenant upon the organization of the company. The regiment was captured at Harper's Ferry just before the battle of Antietam, was paroled and sent to Camp Douglas, near Chicago, to await exchange. Not wishing to remain idle here Lieutenant Sherman began the study of the law. He prosecuted his studies in the law department of the University of Chicago, in which he was graduated in 1864, and immediately afterward entered upon the practice of his profession.

As a lawyer and a master in chancery of the United States circuit court, to which responsible position he was appointed by Judges Harlan, Drummond and Blodgett in 1879, Mr. Sherman has exhibited an intellectual cast that marks our best jurists. His most prominent trait, perhaps, is an extraordinary quickness of perception. A lawyer unfolding to him a line of thought always sees, in the face of his listener, that the line is taken up and mastered as soon as uttered. To this perceptive faculty are linked a comprehensive grasp and the rare power of precise utterance. He never fails to impart the pleasure which comes from being exactly understood. A master in chancery is in every sense an equity judge. For these duties Mr. Sherman combines admirable qualities. His nature is sympathetic, but his judgment is impartial. The emotional elements are dominated by his understanding. His intellect comprehends the law as a great science necessarily uniform in its application; and is of the fiber that thus enforces the law, even to the displacement of wishes and inclinations that are born of sympathy. This combination

of powers makes a real chancellor,—the susceptibility of appreciating the rights and circumstances of others, and the intellectual power that can, in the necessarily uniform administration of a great system, set each particular feeling aside.

In 1884 Mr. Sherman was appointed chief supervisor of elections for the northern district of Illinois, and supervised the congressional elections up to the time the law was repealed. At the election in November, 1892, he appointed fourteen hundred supervisors who registered two hundred and sixty-seven thousand voters, made inquiry as to their right to vote, scrutinized the votes cast and made return to the chief supervisor of the results of the election. In 1882 Mr. Sherman was president of the Illinois State Bar Association, and his annual address attracted wide attention by reason of its literary excellence and profound learning. He has also been vice-president of the American Bar Association.

Mr. Sherman's political support has been given the Republican party since its organization. His father's home was a station on the "underground railroad," and he early became imbued with an antipathy to slavery; and when the Republican party was formed to prevent its further extension he at once attached himself to the organization, and has since been one of its most earnest advocates. In 1876 he was elected to the Illinois house of representatives and took a leading position in that body, which then enrolled among its members some of the ablest men of the state. He was chairman of the committee on judicial department and a member of the judiciary committee. In this capacity he assisted in securing the passage of the act establishing appellate courts, the wisdom of which provision experience has rendered no longer debatable. At this session there was also to be a senator elected to succeed General Logan, and Mr. Sherman was one of the most influential supporters of the General and was selected to make one of the nominating speeches in the house. In 1878 he was re-elected to the general assembly and became chairman of the committee on corporations and a member of the committee on militia. At this session the act which had been passed in 1877, organizing the Illinois National Guard, was amended and amplified, a measure largely due to Mr. Sherman and in recognition of which he was appointed by Governor Cullom judge advocate of the first brigade, in which position he served until 1884. Aside from his service in the state legislature, he has never held or desired any political office, but has continued to be a steadfast Republican, not from selfish motives but from a deep and abiding conviction that the principles of that party are essential to the highest welfare of the country. He is not, however, a partisan, and is not blinded to the faults, foibles and mistakes of his associates, and is able to recognize and appreciate patriotic devotion in those who differ with him.

In 1866 Mr. Sherman was married to Miss Hattie G. Lovering, daughter of S. M. Lovering, of Iowa Falls. Their son, B. W. Sherman, is well known as a rising member of the Chicago bar. Mr. and Mrs. Sherman have dispensed hospitality and exerted social influence widely felt. The poetic side of

Mr. Sherman's nature, his wit and kindly feeling, make him a delightful companion. He is never more at home nor shines brighter than when entertaining his guests or moving among his fellow men. These qualities, probably as much as anything else, brought him into prominence in the Odd Fellows fraternity, where he has held the highest offices, including that of grand master of the grand lodge of Illinois. Immediately after the Chicago fire the grand lodge selected him as a member of the relief committee, and as its secretary he aided in disbursing to the members of the fraternity, who had suffered heavy losses, one hundred and twenty-five thousand dollars. In addition to his connection with that society Mr. Sherman is a valued and popular member of various other organizations. He has been president of the Illinois Association of the Sons of Vermont, Saracen Club, Alliance Club and Oakland Club, and is a thirty-second degree Mason. He also belongs to the Grand Army of the Republic, to the Illinois Commandery of the Loyal Legion, to the Union League Club and to several literary societies of high character. In kindly remembrance of his college affiliations and yielding to the unanimous wish of the annual conventions he has served as president of the National Association of the Delta Upsilon fraternity since 1893. He has fine literary taste and is widely known as an excellent writer and eloquent speaker. He has delivered many addresses before literary clubs and at army reunions. His style is original and unique. He has, as much as any writer known, the faculty of grasping the pervading impressions and thoughts of the time and in aptest expression transferring them to the printed page. He has a fine sense of the secondary as well as the primary meaning of words; and thus gives to their use a freshness, as well as a precision, that arouses thought. No lawyer at the Chicago bar is heard with greater expectation or interest on occasions requiring the expression of public opinion, and he has been equally effective on lighter and more festive occasions. The annual banquet of the Sons of Vermont has always been brightened by his wit and set to laughter and cheering by his artful admixture of humor and New England good sense. "As a lawyer, orator, writer, critic and citizen, he fills a conspicuous place. He is worthy the traditions of the state from which he hails, the distinction of the name he bears, and the high place he has made for himself and continues to keep."

Frank Hatch Jones was born in the town of Griggsville, Pike county, Illinois, on the 6th of March, 1854. His parents were George W. and Cecelia B. Jones, of Springfield, Illinois, and in their home his boyhood days were passed, his time being largely devoted to the mastery of the English branches of learning taught in the public schools of Pittsfield, Illinois. His literary education was completed by his graduation at Yale University in the class of 1875. It was but natural that a man of his splendid intellectual endowments should turn toward a professional career, and in the Columbia Law School of New York city and the Chicago Law School he prepared for the bar and was admitted to practice in 1879.

He entered upon his professional career in Springfield, Illinois, and dur-

ing his residence there served as a member of the general assembly, which elected Hon. John M. Palmer to the United States senate, making the nomination speech in the house by selection of the Democratic caucus. There is no profession which furnishes so many prominent representatives to political life as the law, the reason for which is obvious and requires no explanation. The strongly developed power of analysis that enables one to handle the intricate problems of jurisprudence also enables him to solve the complex questions of statecraft and to administer the affairs of office where so many interests are involved. Added to these elements in Mr. Jones there is another reason why he early became a recognized leader in the ranks of his party, and that is his brilliant oratory. He has a ready command of language, is logical, entertaining and convincing, easy in his delivery and never fails to make a deep impression on his hearers. He was accorded recognition by his party during President Cleveland's second administration, when he was appointed first assistant postmaster general. It is a well attested maxim that the greatness of a state lies not in its machinery of government, nor even in its institutions, but in the sterling qualities of its individual citizens, in their capacity for high and unselfish effort and their devotion to the public good, and in his official service Mr. Jones has manifested a public-spirited loyalty that has rendered him a capable and honored servant of the nation.

In September, 1897, Mr. Jones came to Chicago, where he has since engaged in practice in connection with Edwin F. Uhl, who was ambassador to Germany during President Cleveland's second administration, and Kenesaw M. Landis, who was private secretary to Judge Gresham, when the latter filled the position of secretary of state. Mr. Jones has now a distinctively representative clientage, and while enjoying a lucrative practice has also won the respect of his professional brethren, who esteem him for his courtesy and worth.

Robert Mather, general attorney for the Chicago, Rock Island & Pacific Railway Company, ranks among the able members of the legal profession in Chicago. He was born in Salt Lake City, Utah, July 1, 1859, and completed his literary education at Knox College, Galesburg, Illinois, where he graduated in the class of 1882. In October of that year he came to Chicago, where for some time he was employed in the office of the treasurer of the Chicago, Burlington & Quincy Railroad.

In 1884 Mr. Mather became a student in the office of McClellan & Cummins, well known attorneys of this city, and was admitted to the bar in March, 1886. He engaged in general practice until 1889, when he accepted the position of local attorney for the Chicago, Rock Island & Pacific Railway Company. In that capacity he served until 1894, when he became general attorney. His practice is largely confined to railroad and corporation law, and in those departments he has been concerned in some important litigation.

Among the important cases which he has tried is that of the Chicago, Rock Island & Pacific Railway Company versus City of Chicago (Illinois Reports, volume 143, page 641; Supreme Court of Illinois, volume 148, page 479). In this case the supreme court condemned the practice, which in Chi-

cago had grown into an abuse, of abandoning an unsatisfactory assessment of damages in condemnation proceedings by the municipality and filing a new petition to obtain a re-assessment by another jury. The holding was that the first assessment was conclusive against the city and a bar to a second proceeding.

In *Gatton versus the Railway Company* (Iowa Reports, volume 95, page 112), Mr. Mather's contention was that there was no law, prior to the enactment of the inter-state commerce act, which could regulate the charges of a common carrier for transportation from state to state, and the Iowa supreme court formulated this proposition in its decision, which holds that there is no common law of the United States.

Mr. Mather represented the appellant in *Rhodes versus Iowa* (United States Reports, volume 170, page 412), where the United States supreme court, reversing *State versus Rhodes* (Iowa Reports, volume 90, page 496), held that the federal statute known as the Wilson bill, which had been construed to permit the states to prohibit the sale of imported liquors in the original packages (In *re Rahrer*, United States Reports, volume 140, page 545), was not intended to give to the states power to prohibit the importation of intoxicating liquors, and that the statute of Iowa which prohibited carriers from bringing such liquors into the state was unconstitutional.

At the twentieth annual meeting of the American Bar Association, held in Cleveland, Ohio, August 26, 1897, Mr. Mather read a paper on "Constitutional Construction and the Commerce Clause."

Mr. Mather is a member of the Union League Club, the Chicago Club, the Law Club, and of the American, the Illinois and the Chicago Bar Associations.

Judge Axel Chytraus is a representative American citizen, although of foreign birth. He was born in Sweden, on the 15th of September, 1859. Nearly his entire life, however, has been passed in Chicago, for he became a resident of this city at the age of ten years and has since made the western metropolis his home. He was educated in the public schools, and, determining to devote his life work to the most exacting of all the learned professions,—the law,—he entered upon preparation for the bar as a student in the law office of Howe & Russell. His abilities, both natural and acquired, well fit him for this calling. On the 7th of November, 1881, Mr. Chytraus was admitted to the bar and has since been engaged in active practice. He was for a time a member of the firm of Blanke & Chytraus, and subsequently a third partner was taken in,—Mr. Deneen. After a time Mr. Blanke was elected judge of the superior court of Cook county, leaving the firm Chytraus & Deneen, which partnership is still maintained. In November, 1898, Mr. Chytraus was elected judge of the superior court.

His professional career has been one of success from the beginning. He possesses wonderfully keen analytical power, is exhaustive and accurate in the preparation of a case and fortifies his position with all the points of law and precedent that will strengthen his suit. He has been retained as counsel on



many important cases tried before the supreme and appellate courts, as well as the lower courts, and his entire attention has been devoted to the duties and obligations imposed by his profession. The aim of his eloquence has ever been to convince, and his predominant faculty is reason. Such characteristics go far toward making an able judge. He has won for himself very favorable criticism for the careful and systematic methods which he has followed and stands well with his brethren of the bench and bar.

On the 23d of June, 1892, Mr. Chytraus was united in marriage to Miss Laura Haugan, daughter of H. A. Haugan, president of the State National Bank, of Chicago, and he holds firmly to the political faith of the Republican party.

John P. Wilson, the senior member of the law firm of Wilson, Moore & McIlvaine, of Chicago, was born on his father's farm in Whiteside county, Illinois, July 3, 1844, and is a son of Thomas and Margaret (Laughlin) Wilson, who were of Scotch descent, although the mother was born in Pennsylvania. The father, however, was a native son of that land of hills and heather, and in 1833 crossed the Atlantic to America, taking up his residence in this state. There he devoted his energies to farming until three years before the close of his life, when he removed to Evanston. The residue of his days were passed in that beautiful suburb, and in 1883 he was called to the "home beyond."

Upon the home farm John P. Wilson spent the days of his boyhood and youth, aiding in the labors of field and meadow and acquiring a preliminary education in the district schools of the neighborhood. His love of study and close application were manifest in the rapid progress which he made in the school-room, and in his leisure hours mental advancement was attained through extensive reading, so that at the age of seventeen he was prepared for college. His classical training was received in Knox College, of Galesburg, Illinois, and on the completion of the regular four-years course he was graduated, in the spring of 1865, winning the degree of Bachelor of Arts before he had attained his twenty-first birthday. Through the two succeeding years his time was partially devoted to teaching, but aside from the duties of the school-room was given entirely to the mastery of the principles of jurisprudence, in which he made such rapid progress that in 1867 he was admitted to the bar.

Choosing the rapidly-growing city of Chicago as a field for his professional labors he came to this city and accepted a clerical position in the office of Borden, Spafford & McDaid, a leading law firm of the city, that he might gain a practical knowledge of the workings of the courts and the plans of procedure of eminent practitioners. On the dissolution of the firm he spent two years in the office of John Borden, and in 1870 became a member of the firm of Spafford, McDaid & Wilson. Several changes afterward occurred in the firm until now Mr. Wilson stands at the head of the firm of Wilson, Moore & McIlvaine, whose legal talent has secured to its members a foremost position at the Chicago bar. Mr. Wilson has for many years made a specialty of real-estate and corporation law, two of the most important branches of jurisprudence, whose complicated interests demand ability of the highest order.

Some of the most prominent business men and corporations of the city are numbered among his clients, and the involved cases which he has conducted to successful completion have shown a complete mastery of the subject, thorough and precise preparation and most careful and diligent research. He is so well versed in his special departments of the law that his knowledge is always ready for use, and his familiarity with principle and precedent is one of the potent elements in his success.

When the promoters of the great sanitary district of Chicago were in the midst of their fight to secure the undertaking of that stupendous scheme of civil engineering that will rank among the first of the world, they chose Mr. Wilson to draft the law which created it and retained him to defend its constitutionality when the fight was on in that direction. His success is now a matter of common knowledge. So also in 1890, when the World's Columbian Exposition Company was in the midst of its vast operations to put that greatest of exhibitions on foot, Mr. Wilson was elected general counsel, and the constitutional amendment and legislation of the special session of the general assembly of 1890 were drafted under his personal supervision.

A contemporary biographer said of him: "His keen analytical powers amount almost to a genius for law. He is essentially a natural lawyer. With a power for concentration, a capacity for details, and a comprehension of view, he unites a will for application that knows no diversion from its purpose and no hesitation before accomplishment. Of a modest, retiring and scholarly disposition, he has confined himself to the quieter sides of life and devotion to his chosen profession."

Mr. Wilson was married on the 25th of April, 1871, to Miss Margaret C. McIlvaine, daughter of J. D. McIlvaine, of Chicago. They have five children: Margaret C., Martha, John P., Anna M. and Agnes.

Lambert Tree, lawyer and diplomat, was born in the capital city of the nation, November 29, 1832, and from that city has been sent on important missions abroad, representing his country at two of the important courts of Europe. A man of strong mentality, scholarly tastes and breadth of thought, he is well prepared to deal with the intricate and delicate problems of foreign diplomacy and with the complex questions of the law. Two of his great-grandfathers were patriots in the war of the Revolution and one of them, who was commander of an artillery company, was killed at the battle of Trenton.

After acquiring a liberal classical education Judge Tree became a student in the law office of James Mandeville Carlisle, then the leader of the bar of Washington. He continued his reading under the direction of that able jurist for two years and then continued his studies in the University of Virginia, until his admission to the bar, at Washington, in 1855. A few months later he opened an office in Chicago, and no dreary novitiate awaited him, for his ripe scholarship and splendid legal attainments were soon recognized and gained him a large clientele. Whenever public duties have left him free to follow his profession he has enjoyed an extensive business of the higher class of law practice and has gained distinction as an able advocate and counselor. In

1864 he was elected president of the Chicago Law Institute, and in 1870 he was chosen to fill out the unexpired term of Judge McAllister, who was at that time a member of the bench of the circuit court of Cook county and was elected to the supreme court. At the next election of judges for the full term Mr. Tree was elected to the circuit bench. One of his first official acts after assuming the ermine was to instruct the grand jury to investigate charges of malfeasance in office against members of the city council and upon trustworthy evidence to indict such officials and bring them to trial at the bar of the court. Numerous indictments were found, and the trials that followed were among the most exciting in the history of this bar and for a time had a salutary effect on the administration of municipal affairs. In 1875 Judge Tree resigned his position, for his close application to his arduous duties had undermined his health and he sought rest and recreation in Europe.

Before his return to America, in 1878, Judge Tree was nominated for congress in the fourth district of Illinois, by the Democrats, and, notwithstanding his declination, his name was retained on the ticket and he received, in one of the Republican strongholds of the state, a vote not large enough to elect him, but so great as to surprise even those who best knew his personal popularity. After his return from abroad he devoted himself to law, literature and the management of his private interests. In 1882 he was the Democratic nominee for congress, but the Republican majority in the district was too strong to overcome. In 1884 he was chosen a delegate at large to the Democratic national convention, which met in Chicago and nominated Grover Cleveland, by whom, in July, 1885, Judge Tree was appointed minister to Belgium. In the course of his official service he represented the United States government in several international congresses held at Brussels, and participated in the formation and execution of some important treaties, one of which provided for the exchange of parliamentary and other public documents between the principal nations of Europe and the United States, and another of which provided for the establishment of an international bureau for the translation and publication of custom tariffs of the nations of the world. Judge Tree, in 1887, also represented our government in the international congress for the reform of maritime and commercial law,—a notable assemblage of representatives of all civilized nations, and in its deliberations the American member won universal respect for the masterly manner in which he looked after the interests of his country. In September, 1888, Judge Tree was appointed minister to Russia, but in 1889 he resigned his position and returned to his native land. In 1891 he was again called into the public service, by President Harrison, who appointed him the Democratic member of the commission of three members provided by congress to represent the United States in the international monetary conference, which met at Washington,—it being required by the law that one member of the commission should be of the Democratic party. Judge Tree formulated and presented to the conference the propositions which were subsequently and unanimously adopted by it.

From 1892 until his resignation in 1896 he was president of the Illinois

[illegible]

the National Security Council. Since the
beginning of the war, the National Security
Council has been the central body for
the coordination of the war effort. It has
been the central body for the coordination of
the war effort, and it has been the central
body for the coordination of the war effort.

It is important to note that the results of the regression analysis are not statistically significant for the variables of age, gender, and education. This may be due to the small sample size of the study, which may not have been large enough to detect significant differences in these variables. However, the results do suggest that the variables of income and experience are significant predictors of the dependent variable.

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Portrait of A. H. Horton

A. H. Horton

State Historical Library Board. At present he is a life trustee of the Newberry Library. The honors with which his life have been crowned have come to him in recognition of real worth as a statesman, a lawyer and a man.

Oliver H. Horton, who on the 15th of February, 1898, was appointed by the supreme court of Illinois to the appellate bench, has won distinguished honors in professional life, and in public and private commands the uniform regard of all with whom he has been brought in contact. Man's worth in the world is determined by his successes and his usefulness; the estimate of his character is based upon what he has accomplished for himself, and the service he has rendered to others. In an analyzation of the life of Judge Horton we find that in both particulars his is a well rounded, symmetrical character. The advantages of his early years were few, but he made for himself opportunities and utilized the difficulties he encountered as stepping-stones to higher things. He is in the truest and best sense of the term a self-made man, and the "lumber-shover" of forty years ago stands to-day among the most eminent members of the Chicago bar, honored and respected alike for his superior legal wisdom and the manly virtues which everywhere call forth admiration and esteem. He is a jurist by reason of his profound knowledge of law, a scholar by reason of his familiarity with the writings of master minds of the past and present, a lecturer by reason of the eloquent and exhaustive addresses he has delivered on topics of general interest, and a Christian gentleman whose interest in his fellow men is broad, deep and sincere.

Judge Horton was born in Cattaraugus county, New York, on the 20th of October, 1835, and was a son of Rev. Harvey and Mary H. Horton, the former a native of Vermont and the latter of Connecticut. His father was a Baptist minister. When a young man of less than twenty years Judge Horton left the east and took up his residence in Chicago, which was then a typical western city, hurriedly and unsubstantially built, but containing the germs of development for the remarkable metropolis of to-day. For three years he was engaged in the lumber business and during that time realized what it is to be ill and friendless in a strange city. In 1859 he went to the south, but returned after a few months, and in 1860 took up the study of law in the office of Hoyne, Miller & Lewis, remaining as a student and clerk with that firm until January, 1864, when the partnership was dissolved. A new firm was then organized under the name of Hoyne, Ayer & Horton, the partners being Thomas Hoyne, Benjamin F. Ayer and Oliver H. Horton. The last named was graduated in 1863 in the law department of the University of Chicago, but had previously been admitted to the bar.

In 1865 the firm of Hoyne, Ayer & Horton was dissolved and the firm of Hoyne & Horton formed, while on the 1st of January, 1867, another change in partnership caused the assumption of the firm name of Hoyne, Horton & Hoyne, Thomas M. Hoyne having been admitted as a partner. That connection was continued until the death of the senior partner, who was killed in a railway accident in 1883, when the name of Horton & Hoyne was assumed. Four years later the dissolution of the partnership resulted from Judge Horton's





THE BENCH AND BAR OF ILLINO

elevation to the bench. As an advocate and counselor he best in the city. He has carried his investigation and research of jurisprudence far and wide, and his accurate knowledge of various departments is remarkable. In the preparation of his cases, taking and exact, and his grasp of the strong points in litigation is intuitive. He advanced rapidly at the bar and soon his client list was extensive. When Mayor Roche was called to the chair of this municipality, he tendered to Judge Horton the position of municipal counsel. The two gentlemen were not personally acquainted, but the offer was a tribute to the worth of the Judge as a man and lawyer. However, he declined the honor, but the mayor insisted, saying that he would suit him, and finally Mr. Horton said that he would accept the services in the capacity of corporation counsel without remuneration. Mr. Roche could decide upon someone who would be satisfied with the position and party. With this understanding Judge Horton soon after and during his absence a telegram from a friend informed him that he had sent his name to the council. By telegraph he then recommended his name be withdrawn, but soon received another dispatch containing information that he had been unanimously confirmed. Thus it was at a late time he accepted public office, having many times before declined that direction.

It was in 1887 that Judge Horton was first called to wear the robe. He was elected a judge of the circuit court on a non-partisan ticket, and he has always been a staunch Republican. Again, in April, 1891, he was elected, and once more, on a non-partisan ticket, was chosen for that year. In 1897, presiding over the court with a dignity and impartiality that maintained the majesty of the law. He was thus serving when he was appointed to the pointment of the supreme court to the appellate bench of the state. At different times he has received very flattering offers from law firms and corporations to resume the private practice of law, but for twelve years he has remained upon the bench. In the hands of such judges the individual feels that every interest is safe and that law will be administered with the best intelligence and with a keen regard for equity. A man of high moral character, of unusual intellectual endowments, with a thorough knowledge of the law, patience, urbanity and industry, Judge Horton possesses all the very highest qualifications for this most responsible office of government; and his record as a judge has been in harmony with his character as a man and a lawyer, distinguished by unswerving integrity and a grasp of every problem that has presented itself for solution. His success in the discharge of his multitudinous delicate duties, and his rulings are seldom reversed, and before whom counsel and litigants place an unshakable confidence, is a man of well rounded character, of a clear mind and strong intellectual attainments. That Judge Horton is such a jurist is a universally accepted fact.

He has presided at the trial of many cases which have had

upon the general welfare. He dissolved the injunction, granted by another judge, which prevented the mayor and chief of police from interfering with the selling of pools and making gamblers' "books" on races at Garfield park, a decision which led to the ultimate closing of the race track, which was regarded by all law-respecting citizens as one of the worst gambling institutions in the city. He was associated with Judges Tuley, Tuthill and Burroughs in rendering the decision which made possible the building of the fine Art Institute on the lake front. In 1889 Mrs. Sarah Daggett, who owned property on the opposite side of the street, got out an injunction against the city, restraining the council from occupying or using the old Inter-state Exposition Building; and when the old building had been torn down and work begun on the Art Institute she sought to enforce that injunction and was upheld by a decision of Judge Tuthill in her favor. Work was stopped on the building and a motion to modify the injunction was made in the circuit court, which was decided in favor of the Art Institute, thus securing to the city one of its most desirable and cherished institutions.

Judge Horton's opinions are ever regarded by the profession as models of judicial soundness, and at the same time he has the keenest consideration for the equity of the case and often tempers justice with mercy. He is a man of broad humanitarian principles, which lead him to extend to a guilty one every encouragement and aid possible, not in violation of the principles of justice, to become a respected and law-abiding citizen. In this he displays somewhat of the elements of the reformer. His experiences in the trial of divorce suits has led him to take an advanced stand in favor of remodeling the law in this particular, for he believes that the protection and perpetuation of the home is the bulwark of the nation. For the purpose of reform in the matter of divorces Judge Horton introduced into the state legislature, in 1889, the following bill: "Whenever the judge, upon hearing the evidence upon a bill for divorce taken as confessed, shall be satisfied of any collusion, or suppression of facts, or that the public good or the due administration of justice may be promoted thereby, such judge may appoint a solicitor to represent the defendant and continue the hearing as such judge may see fit. * * * Whenever a divorce is granted in any case, the court shall, by its decree, fix periods within which the parties respectively shall not thereafter again marry, which shall not be less than one year nor more than ten years as to either of the parties, and may not be the same as to both. Any party to such decree who shall marry after the entry thereof, and before the expiration of the time fixed by such decree within which he or she shall not marry, shall be guilty of bigamy under the law of this state and be punished accordingly."

Judge Horton is also an advocate of reform in the courts. He believes that judicial office should have nothing to do with politics; that the salaries should be raised to ten thousand dollars; that the tenure should be for life or during good behavior, with a pension after fifteen years of service, or when the judges reach the age of seventy; that the judges should not have the power of appointing other officers, including justices of the peace, which action would

divorce the courts from politics effectually and irrevocably; and that the courts should be self-supporting by means of a fee bill which would make the costs payable by the litigants and not by taxation of the general public.

An interesting fact in Judge Horton's career is that for twenty-seven years he occupied an office on the same lot. He went into that office as a boy, swept it out and polished up the handle of the door, and left it as senior partner of one of the most prominent law firms of the city to go upon the bench.

Judge Horton has ever been an advocate and patron of education and æsthetic culture. For over a quarter of a century he has been a valued member of the Chicago Literary Club; is one of five members composing the board of trustees of the Lewis Institute; is one of the six members of the board of trustees of the Garrett Biblical Institute; is the first vice-president of the board of trustees of the Northwestern University; served as one of its trustees for over twenty years, and has been a member of its executive committee for nearly the same time. Judge Horton is an orator of many pleasing qualities, and his breadth of thought and culture enables him to please and at the same time instruct the most critical audiences. On the 26th of March, 1889, he delivered before the Marquette Club, of which he is an honorary member, an eloquent, patriotic and logical address on "The Protected Ballot Box." He has also frequently addressed the Medico-Legal Society, of which he was a charter member, and of which he served as president in 1892. He is a member of the Athletic Club, the Glen View Golf Club, Quebec Golf Club, Forty Club, Hamilton Club and the Sunset Club, and he possesses in a high degree that quality of good-fellowship which makes him a valued addition to the society ranks. He belongs to the Veteran League Club and has been a member of the Union League Club since its organization. He was chairman of its committee on political action at the time the election law was passed,—in fact was the author of the same and did much to secure its adoption. He was the first president of the Alumni Association of the Union College of Law, is a member of the Bar Association, and for several years was treasurer and afterward president of the Law Institute.

Judge Horton was for many years actively connected with the Young Men's Christian Association as a director, held the office of vice-president for a number of years and was chairman of the lecture committee. For nearly twenty years he was a member of Grace Methodist Episcopal church, in which he held every position to which a layman is eligible. He was trustee of the Chicago missionary and church-extension societies, in 1880 was sent as a lay delegate to the general conference, which met in Cincinnati, and the next year was elected a lay delegate to the ecumenical conference which met in London, England. For twelve years he was superintendent of the Sunday-school of Grace church, during which time it had a larger membership than any other home school west of the Alleghanies. When the great fire swept over the city in 1871, of the twelve hundred members of the school all but sixteen were rendered homeless, and of the members of the congregation all but two. After the fire Judge Horton worked hard to reunite the scattered children, and it was

not long before the school was as large as ever. For three years he was president of the Methodist Social Union, is president of the Laymen's Association of the Rock River conference, president of the Superannuates' Relief Association, and trustee of the Wesley Hospital. He is now an attendant on the services of the Trinity Methodist church.

The Judge was married December 27, 1857, to Miss Frances B. Gould, who came from New York to Chicago in early childhood and has ever since resided here. They have had two children, but they have passed away.

In private life and public office Judge Horton is always the same reliable, honorable man and citizen,—affable, yet firm in maintaining what he regards to be right and in the expression of his sentiments, however much they may antagonize those of other people. No one ever leaves him in doubt as to his position upon any question of business or politics; and no one ever has reason to question his perfect sincerity in any expression he may make or any position he may take. If his word can be secured, it is as good as any bond that was ever solemnized by signature and seal; if his friendship can be won—and worth can always win it—it is as loyal as truth is to itself; and if social order or social advancement needs a support that never weakens, it can find it in him. He never weighed an act of his life, public or private, in the scale of sinister policy.

Almon W. Bulkley has practiced law at the Chicago bar through a period of eighteen years, and his comprehensive legal learning, his able application of law principles to litigated questions and his fidelity to the interests of clients have contributed to the enviable success which crowns his well directed efforts. He was born in Groton, New York, April 13, 1852, coming of distinguished ancestry connected with one of the oldest families both of this country and England. The original etymology of the name was Buclogh, changed in the thirteenth century to Bulkeley and modified four centuries later by the omission of the first e. The complete record of the family begins with Robert, Lord of Bulkeley, county of Cheshire, England. For several centuries his descendants lived and prospered in Cheshire and other parts of England. They were lords and nobles, bishops and canons of the church, all celebrated for their great wealth and nobility of character.

The founder of the American branch of the family was Rev. Peter Bulkley, who was born in Odell, Bedfordshire, England, January 31, 1583, and died in Concord, Massachusetts, March 9, 1659. He was educated at St. John's College, Cambridge, where he afterward became a fellow. Later he took orders and succeeded to the living of his father, in Odell, where he remained for twenty-one years, when he was silenced for non-conformity. In 1635 he sold his estates and emigrated to America. After several months spent in Cambridge, Massachusetts, he made his way into the interior and founded the town of Concord, where he established the first church in 1636 and lived until his death. Three of his five sons emigrated to Fairfield, Connecticut, where the grandfather of this sketch was born. From this stock is descended Almon W. Bulkley, son of Lorenzo and Juliette A. (Coonley) Bulkley. His mother was of Holland Dutch lineage.



Q. H. ...

and the development of nations and governments there has been evolved a system of rules and principles founded upon the rights of the individual and his relation to society. As the interests of life have become more broad and varied, new laws have been formulated to meet the changed and intricate conditions of the times; and each great department of intellectual and business activity has become a part of a harmonious system, based upon the eternal principles of right and justice. Thus the elaborate and complex science and system of jurisprudence have been developed and established. So extensive and comprehensive has this become that the successful lawyer cannot successfully devote his energies to all branches of law, but confines them to special lines, and thus it is that we have our many specialists in the profession, men who in their chosen branches of jurisprudence attain prominence and success. Mr. Beach belongs to this class.

He was born in Seneca Falls, Seneca county, New York, May 22, 1828. He is a son of Elam and Hannah (Edwards) Beach, and on both the paternal and maternal sides is a representative of families whose ancestral connection with America embraces almost the entire period of European settlement in this country. John Beach, a Puritan, came from England to the New World as early as 1639, and located in the colony of Connecticut. Israel Beach, the great-grandfather of our subject, served in the French and Indian war and his powder horn, which he carried and used in that struggle, was afterward carried by the grandfather, Israel Beach, Jr., in the war of the Revolution, and is now in possession of Myron H. Beach, of this review. Elam Beach was born in Connecticut in 1789, and throughout his entire life carried on agricultural pursuits. He removed from his native state to Seneca county, New York, in 1818, and his death occurred at Seneca Falls, in 1866, at the age of seventy-seven years.

His wife was a daughter of Abel Edwards, a soldier of the Continental army, who served throughout the war of the Revolution. He traced his ancestry back to Captain John Edwards, a native of Scotland, who came to the colonies about 1660, upon the restoration of King Charles II. He also was a Puritan, and was a man of prominence in the wars of Scotland and in the annals of colonial history.

Reared on a farm, Myron H. Beach early became familiar with the labors of field and meadow. He is indebted to the public schools for his early educational privileges, going to school in the winter and working on the farm summers. At the age of eighteen he himself began to teach a winter school. Ambitious to secure a liberal education, whose practical value he was not slow to appreciate, he became a member of the sophomore class of Hamilton College, at Clinton, New York, in 1850, and was graduated at that institution in 1853. Immediately afterward he accepted the position of teacher of mathematics in the Brockport Collegiate Institute, near Rochester, New York, where he remained for one term, when he was elected principal of the Seneca Falls Academy. This position he held for three years. Having decided upon the profession of law, he resigned the principalship of the academy, and entered

elevation to the bench. As an advocate and counselor he ranked among the best in the city. He has carried his investigation and research into the realms of jurisprudence far and wide, and his accurate knowledge of the law in its various departments is remarkable. In the preparation of his cases he was painstaking and exact, and his grasp of the strong points in litigation was almost intuitive. He advanced rapidly at the bar and soon his clientele was distinctive and extensive. When Mayor Roche was called to the chair of chief executive of this municipality, he tendered to Judge Horton the position of corporation counsel. The two gentlemen were not personally acquainted, and therefore the offer was a tribute to the worth of the Judge as a man and a citizen. He, however, declined the honor, but the mayor insisted, saying that no other man would suit him, and finally Mr. Horton said that he would give to the city his services in the capacity of corporation counsel without remuneration until Mr. Roche could decide upon someone who would be satisfactory to himself and party. With this understanding Judge Horton soon afterward went south and during his absence a telegram from a friend informed him that the mayor had sent his name to the council. By telegraph he then requested that his name be withdrawn, but soon received another dispatch containing the information that he had been unanimously confirmed. Thus it was that for the first time he accepted public office, having many times before declined all honors in that direction.

It was in 1887 that Judge Horton was first called to wear the ermine, being elected a judge of the circuit court on a non-partisan ticket, although he has always been a staunch Republican. Again, in April, 1891, he was re-elected, and once more, on a non-partisan ticket, was chosen for that office in April, 1897, presiding over the court with a dignity and impartiality that fully sustained the majesty of the law. He was thus serving when he received the appointment of the supreme court to the appellate bench of this district. At different times he has received very flattering offers from law firms and corporations to resume the private practice of law, but for twelve years he has remained upon the bench. In the hands of such judges the individual and state feel that every interest is safe and that law will be administered with the broadest intelligence and with a keen regard for equity. A man of unimpeachable character, of unusual intellectual endowments, with a thorough understanding of the law, patience, urbanity and industry, Judge Horton took to the bench the very highest qualifications for this most responsible office in the system of government; and his record as a judge has been in harmony with his record as a man and a lawyer, distinguished by unswerving integrity and a masterful grasp of every problem that has presented itself for solution. The judge who makes a success in the discharge of his multitudinous delicate duties, whose rulings are seldom reversed, and before whom counsel and litigant come with an unshakable confidence, is a man of well rounded character, finely balanced mind and strong intellectual attainments. That Judge Horton is regarded as such a jurist is a universally accepted fact.

He has presided at the trial of many cases which have had direct bearing

upon the study of law. In 1856 he went to Dubuque, Iowa, where he was admitted to the bar and practiced with great success until 1888.

Coming to Chicago in that year, his marked ability soon gained him enviable prestige at the bar of Illinois. No dreary novitiate awaited him here, for it is merit alone that wins advancement in the legal profession, and the public were not long in recognizing that Mr. Beach was not lacking in that regard. The controversies in the courts,—especially in the line of corporation and insurance law, have frequently been represented on the one side or the other by our subject, whose thorough preparation and skillful presentation of his cases is indicated by the ease with which he handles the matter in the courtroom, parrying every attack and at the same time marshaling his points of fact, evidence and law with the precision of a general on the field of battle. He has won many notable suits, and the legal fraternity, as well as the public, accords him high rank among the successful lawyers who have won fame both at the Iowa and the Illinois bar. Many of the cases he has tried and won have become and are leading cases in constitutional, real-estate and corporation law, as well as the laws of insurance, negligence and insanity.

Mr. Beach was married to Miss Helen M. Hoskins, of Seneca Falls, New York, in 1857. They have three sons.

Mr. Beach is a member of the Presbyterian church and the Union League Club. He manifested his loyalty to the country during the war of the Rebellion by faithful service in the Union army, as a member of the Forty-fourth Regiment of Iowa Infantry, and is now a companion of the Illinois Commandery of the Loyal Legion and a member of the Grand Army of the Republic. Reared in the political faith of the Whig party, when it ceased to exist he joined the Republican party, and has since given to it an active, unwavering, earnest and intelligent support. While a man of independent and positive opinions, and not in accord with corrupt machine methods, he has never been a mugwump. He is a man of scholarly tastes and attainments, especially in mathematics, science and history, and he possesses one of the best selected private libraries in the city.

John G. Shortall.—When Horace Greeley, in 1854, uttered the now famous words, "Go west, young man; go west," his advice was followed to good purpose by at least one ambitious young lad. At that time John G. Shortall was in Mr. Greeley's employ, an attache of the New York Tribune, and had been for some time in daily association with that eminent American, and his associates, Charles A. Dana, Bayard Taylor, George Ripley, George M. Snow and others, profiting by their friendly counsel and ripe experience and unconsciously laying the foundation of a successful business and professional life.

Mr. Shortall, who is the eldest son of John Shortall, of county Kilkenny, and Charlotte (Towson) Shortall, of county Dublin, Ireland, was born in Dublin, September 20, 1838. He was brought to America when six years old, the family settling in New York. While but a mere boy, Mr. Shortall's parents died, and he earned his own living in the service of the Tribune and Horace Greeley until he came west in 1854. His first occupation in the west was in

connection with the survey and completion of the Illinois Central Railway between Scales Mound and Galena, after which he returned to Chicago and was employed on the Chicago Tribune until he was engaged by the late J. Mason Parker, of Boston, an accomplished lawyer, to assist him in his compilation of the real-estate abstracts or digests of the land records, and began the study of the law. He applied for admission to the bar and was admitted in 1894. In 1856, upon their completion, Mr. Shortall leased the Parker abstract books or records, and began the making of abstracts of real-estate titles, and afterward, in 1861, purchased the same. In 1864 Louis D. Hoard became associated with him, and the firm name became Shortall & Hoard, and so continued until the merging of his firm's property with the abstract books of Chase Brothers and Jones & Sellers, in 1872, these being the properties now of The Title Guaranty and Trust Company, of which Mr. Shortall is a director. The saving of these invaluable records and abstract books during the great fire in 1871, under the immediate direction of Mr. Shortall, constitutes one of the most exciting incidents of that memorable event and is well described in the history of the fire.

Since his retirement from active business, in 1872, Mr. Shortall has devoted himself mainly to charitable, educational and humanitarian work. He is deeply interested in musical matters and has served as a director of the early Chicago Philharmonic Society, and for many years as president of the Beethoven Society. He has also been among the foremost in fostering the fine arts and has taken a high position in literary circles, as many of his writings in the best publications of the day attest. He was for a number of years president of the board of directors of the Chicago Public Library.

It is as a humanitarian and philanthropist, however, that he has won his highest honors. For many years Mr. Shortall has directed the important work of the Illinois Humane Society. The society, which is now the greatest organized force for the suppression of cruelty and oppression in the west, was formed in 1869, and until Mr. Shortall took charge of its affairs was an enthusiastic group of willing workers, but comparatively limited in scope and means. In 1879, at his earnest solicitation, the society's work was extended to include the protection of children as well as animals, and in this comprehensive direction now stands without a rival. Mr. Shortall is an honorary member of the Pennsylvania Society for the Prevention of Cruelty to Animals, and has also been president of the American Humane Association, organized at his suggestion in Cleveland, Ohio, in 1877.

He is an independent in politics, and as a moving spirit in the Municipal Reform Club and Citizens' Association has accomplished much in the way of securing a purification of the civil service. Patriotism is one of the distinguished characteristics of the Shortall family and found an ardent example in Mr. Shortall's only brother, Pierce, who served for four years in the civil war, and was killed in the last battle of that unfortunate and regretful contest. In everything that tends to the advancement of his fellow men, and the liberalizing of society upon broad and benevolent principles, Mr. Shortall is a man

of the world. Years of travel and observation in this country and Europe have broadened and improved a naturally liberal and cultured mind. In all matters pertaining to Christianity Mr. Shortall is governed by the same uniformly liberal and just ideas. By birth and profession he is an Episcopalian, and constant in his support of the church as of the highest educational value and to be sustained upon economic as well as religious grounds; and yet so great was his admiration for the advanced liberalism and broad Christianity of Prof. David Swing that he was not only one of the first men in Chicago to guarantee the support of the Central Church, but continued thenceforward a constant attendant on its services until the death of that eminent divine. In all these relations, to home, society, to church and state, we may fairly designate Mr. Shortall as standing among the men of Chicago who have made it,—who have so honorably acquitted themselves as to be entitled to distinction as its representative men in the best sense of that term. Mr. Shortall was married on September 5, 1861, to Mary Dunham Staples, eldest daughter of John N. Staples, of Chicago, by whom he has one son, John Louis, who was born in 1865. Mrs. Shortall died August, 1880, beloved by all who knew her.

M. Lester Coffeen, of the well known law firm of Tenney, McConnell, Coffeen & Harding, is a native of the Empire state, and has been a resident of Chicago since 1869. He was educated in Normal, Illinois, and pursued his legal studies in the old Chicago University, in which institution he was graduated with the class of 1871. For a few years thereafter he read law in the office of Van Arman & Vallette and learned the practical working of the courts, being thus prepared by experience as well as theoretical knowledge for the duties of his profession. For a number of years he served as deputy clerk of the superior court, acceptably filling that position.

About 1879 Mr. Coffeen formed a copartnership for the practice of law with Emery A. Storrs, which connection was continued for about a year, when Mr. Coffeen took up the practice alone, being associated with no partner until 1887. In that year he became a member of the firm of Tenney, Bashford & Tenney, of which firm the late Judge George Driggs was at one time a member, as was also Judge William E. Church, under the firm name of Tenney, Church & Coffeen. In 1895 Judge McConnell resigned from the bench and became a member of the present firm of Tenney, McConnell & Coffeen, Mr. Harding being admitted to a partnership since that time. This firm does a general law practice, its members being all men of pronounced ability.

Mr. Coffeen has enjoyed a fair share of the more important practice of the city, and has conducted to a successful issue litigation that has awakened widespread attention. He is well prepared for practice by a thorough understanding of the principles of jurisprudence, and his ability to apply them to the contested points has been shown on various occasions, when he has served as counsel or advocate in important legal interests. He is popular in professional circles and has served as a member of the Board of Managers of the Chicago Bar Association, in which he takes an active interest. He is also a

member of the Chicago Club and the Country Club of Evanston, and occupies an enviable place in social as well as legal circles.

Theodore G. Case.—The inevitable law of destiny accords to tireless energy and industry a successful career, and in no field of endeavor is there greater opportunity for advancement than in that of law,—a profession whose votaries must, if successful, be endowed with native talent, sterling rectitude of character and singleness of purpose, while equally important concomitants are close study, careful application and broad general knowledge, in addition to that of a more purely technical order.

In the Chicago Law Journal appeared the following record of this well known attorney: "There are lawyers—and lawyers. The subject of this sketch is a lawyer, as evidenced by his numerous successes in his professional career before court and jury cases equal in importance and effect to any found in the recent Reports."

Theodore G. Case was born in Castleton, New York, July 13, 1853, where he received an academic education. In the early '70s he engaged in railroad construction for a brief time in Texas, but soon returned to his native state and devoted himself thinkingly to the study of the law,—first with Linn & Babbitt of Jersey City, and afterward with Hon. William M. Evarts, in whose offices he acquired the practical—essential—part of his profession, and at the same time took a full course in the law school of the University of New York, in which he graduated with special credit.

In 1878, as one of the solicitors of the Farmers' Loan & Trust Company, he was specially assigned to conduct the foreclosure of the company's first and second mortgages upon the Green Bay & Minnesota Railway Company's railroad and other appurtenances in Wisconsin. These cases were stoutly contested, some of the best talent of the state appearing for the defendant, but Mr. Case succeeded in obtaining a decree for his client for six million and three hundred thousand dollars. While practicing at Green Bay Mr. Case was engaged in nearly all the leading cases in the courts, the most important one being that of Jennings versus the Green Bay & Minnesota Railway Company,—Wisconsin Reports, volume 48, page 549,—in which the supreme court of Wisconsin sustained Mr. Case's contention that a mandamus would lie against a municipality to enforce issuance of bonds voted to aid the building of a railroad. This was a case of first impression, and has been accorded general recognition by other state and federal courts.

In 1884 Mr. Case resigned his position with the Wisconsin Railroad and moved to St. Louis, having been retained by the bond-holders of the St. Louis, Hannibal & Keokuk Railroad Company. The duties of this position were unusually complex and onerous, requiring all the tact and ability of the most resourceful lawyer. In the litigation in which Mr. Case was engaged soon after locating in St. Louis, he had pitted against him such clever and doughty lawyers as John B. Henderson, Charles Johnson, Patrick Dyer, B. Gratz Brown and others of equal power and prestige. The results are found in many pages of the early Federal Reports, beginning with the twenty-second, in

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which, on pages 36, 471 and 769, the signal success of Mr. Case is noted. The opinion of Justice Brewer, of the United States Supreme Court, page 471, in the case of Blair, trustee, etc., versus the St. Louis and Keokuk Railroad Company, is a notable one. The case had been decided by District Judge Treat, whose judgment was adverse to even the Solicitor General Case, but on the hearing in the circuit court Justice Brewer affirmed the decision of the district judge and adjudged Mr. Case's claim to all he had claimed for them.

In 1886 Mr. Case came to Chicago and at once entered an active and aggressive practice of his profession. His work in the courts has been markedly individualized, and as a consequence has attracted a large clientage. Although pursuing a general practice, yet Mr. Case, to a certain extent, made criminal and personal-injury cases his speciality. One of the notable cases conducted by him is that of Holdom, etc., versus the Order of United Workmen (Illinois Reports, volume 159, page 100), one of the first instances in this jurisdiction in which the court sustained the contention for by Mr. Case, that the recovery of an insane beneficiary of life insurance is not forfeited by his killing the insured. Under the circumstances that the killing would be murder if he were sane. In the Cook county criminal court, Mr. Case secured a ruling, before police magistrates, involving a bridewell sentence, that a defendant is entitled to trial by jury. This ruling worked a radical change in the practice and also was the origin of the act specially providing for trial by jury, found in Laws of Illinois, 1893, page 96. The Schwartz, Paul Ryan murder cases, in which Mr. Case conducted the defense, are causes celebres in the annals of Chicago courts. Bowman versus Bowman (Illinois Appellate Court Reports, volume 165), the court held, for the first time, after exhaustive argument, that a common-law marriage is a sufficient basis for divorce and suit money pendente lite.

A return to first principles and a rigid conservation of the rights of the accused were compassed by him in the State versus Madden versus Carr, tried in the criminal court of Cook county in 1891, in which the court was convinced by the intelligent insistency of Mr. Case's attorney, that in all criminal cases jurisdiction attached at the time of the offense and not from date of indictment as had been the immemorial rule of that court. Upon this ruling the defendant Carr was discharged although he had been indicted twice. These cases fixed the law, and are cited in paragraph 623, section 18, division 13, of the Illinois Criminal Code.

Mr. Case's list of personal-injury cases is too lengthy to mention. In this line of practice he has shown winning power, and rarely fails to secure a verdict, one of which he has secured for fifty thousand dollars, the largest ever rendered in the west in the history of personal injury.

The short-cause calendar law, which is recognized by the 1

a most beneficent public measure, owes its place upon the statutes of Illinois to the discernment and persistent efforts of the subject of this notice. This law has made it possible to begin and end a suit within two months, instead of two or three years, and has practically put a stop to eighty per cent of all appeals from justices' courts.

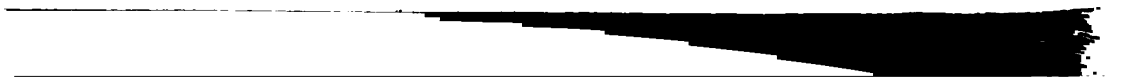
Mr. Case is specially noted for his versatility, his ready command of language, his masterful power in grouping pivotal facts and bringing out in boldest relief the salient points of a case, his familiarity with legal principles, and a telling application of them to the conditions developed on trial,—all of which, supplemented by his breezy brusqueness, genial good humor and keen knowledge of human nature, have won him many a case. He, too, is markedly strong as a cross-examiner, and as a trial lawyer will doubtless attain foremost rank at the American bar.

George Record Peck was born near Cameron, Steuben county, New York, in 1843, and at the age of six years was brought west by his parents on their removal to Wisconsin, where he spent his childhood amid the hardships of farm life in a western clearing. At the age of sixteen, with only a common-school education, he left the work of the farm to become a district-school teacher, that he might add to the scant income of his father and free the farm from debt. At the age of nineteen, feeling his duty to his country paramount to everything else, he enlisted in the First Heavy Artillery of Wisconsin, was transferred to the Thirty-first Wisconsin Infantry, and marched with Sherman's army to the sea. After three years' service he was mustered out, at the age of twenty-two, having by his fidelity and gallantry been promoted to the rank of captain.

On being mustered out of the service, Captain Peck immediately returned to Wisconsin to begin his preparation for that perennial war, the practice of law, in which he has won the highest honors. He spent six years in Janesville, as law student, circuit-court clerk and practicing lawyer, and then sought a wider field in the new state of Kansas, pursuing his profession with signal success in Independence, from 1871 to 1874. In the latter year he was appointed by President Grant to the office of United States attorney for the district of Kansas, and removed to Topeka, where for nineteen years he won ever increasing distinction as a lawyer and influential citizen and a man of letters. Within a month after his appointment he was directed by the attorney general of the United States to bring a suit involving a title to nine hundred and sixty thousand acres of land. The ability with which he brought this and other cases to a successful issue soon made him one of the leading lawyers of the state. In 1879 the greater rewards of private practice led him to resign the office of district attorney. In 1881 the Atchison, Topeka & Santa Fe Railroad Company elected him its general solicitor, and from that time until September, 1895, that large and constantly growing system of railroads was created and developed under his counsel and direction.

Mr. Peck's connection with Kansas politics during the entire period of his residence there was of the most influential and honorable character. During

J. R. Cox



the last ten years his leadership of the Republican party of that state was unquestioned. Any office within the gift of the people would have been gladly bestowed upon him. Upon the death of Senator Plumb, in 1892, Governor Humphrey offered the vacant seat in the United States senate to Mr. Peck, but the splendid honor was declined. During the early months of 1893, in the beginning of Governor Lewelling's administration, the capitol at Topeka was filled with legislators contending not only with parliamentary weapons but also with arms for the control of the legislative halls. The capitol and the surrounding grounds were an armed camp. Sentinels guarded the entrances and members of the contending parties were flocking thither as to war. Then it was that George R. Peck, by the force of his commanding character and influence, controlled the situation, and by his wise counsel and indomitable will averted the anarchy and bloodshed that were impending.

During his residence in Chicago, his political experience and learning and his fine literary art have become familiar to the public through his occasional addresses. The most notable of these have been his address on General George H. Thomas before the Loyal Legion of the United States, at Indianapolis; his response on Abraham Lincoln at the Marquette Club banquet, in Chicago; his address on the Puritans before the Ethical Society of Milwaukee; his address on the Worth of a Sentiment delivered before the Washington and Jefferson Societies of the University of Virginia; his address on The Ethical Basis of American Patriotism, before the graduating class of Union College, New York; his oration at the unveiling of the statue of General John A. Logan in Chicago, and his address on George Washington before the students of the University of Chicago.

As a lawyer Mr. Peck ranks with the greatest this country has produced, and few of these can show such a list of professional triumphs. When the Atchison, Topeka & Santa Fe Railroad Company secured control of the St. Louis & San Francisco Railroad, in 1891, one of the stockholders of the latter company sought to enjoin the sale on the ground that the two roads were parallel and competing. The case was bitterly contested in the circuit and supreme courts of the United States. Mr. Peck's successful management of this litigation, in which the formation of the Atchison system was involved, gave him his place among the first railroad lawyers of the time. In this he was ably assisted by E. D. Kenna, a young man who has achieved distinction at the bar and won high honors in the profession.

When, in December, 1893, the Atchison system went into the hands of receivers, and the problem of its reorganization was pressing upon the holders of its almost worthless securities, the direction of the legal proceedings devolved upon Mr. Peck. Within two years the mortgages had been foreclosed, the property sold and a working plan of reorganization effected, and the great railroad system preserved unbroken. Such a feat of efficient and rapid reorganization of so large a railroad property is unparalleled in railroad history. In September, 1895, Mr. Peck resigned as general solicitor of the Atchison system, to become general counsel of the Chicago, Milwaukee & St. Paul Rail-

way Company, and Hon. Henry C. Caldwell, United States circuit judge, in accepting his resignation, asked that he still give to the Atchison reorganization committee the benefit of his counsel until the reorganization should be completed. He also characterized his connection with the receivership matters in terms of highest praise.

Since his removal to Chicago, Mr. Peck has been associated with Hon. John S. Miller and Merritt Starr, in the law firm of Peck, Miller & Starr. His tastes and his talents are so general that there is no subject of great human interest with which he is unacquainted, or to which he has not given sympathetic aid. Companionable, warm-hearted and generous, admiration of his masterful abilities is forgotten in the warmer admiration of the man.

Edgar A. Bancroft has been identified with the interests of Chicago since 1892. Here he has gained prominence as a lawyer, among his fellow practitioners, while his qualities of good fellowship have won him the friendship and regard of many with whom he has been brought in contact.

Mr. Bancroft is a native of Illinois, was born in Galesburg, where he attended the public schools, and later was graduated at Knox College, in the class of 1878. Attracted to the profession of the law, he entered the law school of Columbia College, New York, and received the degree of LL. B. in 1880. He began his professional career a year later at Galesburg, and in 1884 became a member of the firm of Williams, Lawrence & Bancroft. He advanced rapidly in his chosen calling, displaying those qualifications which are ever essential to a successful career at the bar,—a keen, logical mind, business sense, and a ready capacity for hard work.

The firm of Williams, Lawrence & Bancroft continued in active practice until May, 1892, when the junior member was appointed solicitor for Illinois of the Atchison, Topeka & Santa Fe Railroad Company, and removed to Chicago. He filled that position until 1895, when he was elected general solicitor of the Chicago & Western Indiana and the Belt Railroad Companies, in which capacity he has since served with ability and fidelity. The closing year of his service with the Santa Fe Company was marked by the memorable railroad strike of 1894, and the Santa Fe was involved. As attorney for the receivers of that road he obtained the first order for an injunction against the chiefs of the strikers; and he afterward represented the interests of the receivers in the famous contempt proceedings against Eugene V. Debs and the other directors of the American Railway Union. He was thus brought into close contact with all the questions, legal and industrial, growing out of the local riot and revolution of June, 1894. His paper on "The Chicago Strike of 1894," read before the Bar Association of Illinois at Springfield in 1895 and since published in pamphlet form, is an able exposition of the origin and effects of that uprising, and a valuable contribution to its history and legal aspects.

Mr. Bancroft has also made a close study of the political problems of the day, and is an earnest champion of the principles of the Republican party. In 1888, while a resident of Galesburg, he was presidential elector for the tenth congressional district of Illinois. In the fall of 1887 he was retained in the con-

tested election case of Worthington versus Post from that district. He appeared for General P. S. Post before the election committee, and though the committee and the house were both largely Democratic, and General Post's plurality on the official count was but twenty-nine, both committee and house voted unanimously to seat Mr. Bancroft's client, and General Post was declared entitled to a seat in the fiftieth congress. After coming to Chicago Mr. Bancroft took no active part in politics, until the campaign of 1896, during which he spoke frequently in Chicago and neighboring cities. He has been an aggressive member of the Civil Service Reform League, and rendered conspicuous service in securing the passage of the civil service law by the legislature and its adoption by the city of Chicago.

He is a member of the Chicago Literary Club, the Union League, the Marquette, the Hamilton and the Caxton Clubs, and is also connected with the bar associations of the city and state. His addresses at the banquets of these organizations have added to his reputation as an effective speaker. He gave the annual address before the Oklahoma Bar Association in January, 1898, on "The Lawyer's Duty to the State." The variety of his intellectual activities is evidence of his untiring industry, while his experience of seventeen years in the trial of difficult law cases and the record of results attained indicate his ability. He deserves, and is given, recognition with the leading lawyers of Chicago.

CHAPTER XXVII.

THE EARLY BENCH AND BAR OF JO DAVIESS COUNTY.

THE county was organized in February, 1827, and originally embraced a large part of northwestern Illinois, now divided up into several large counties, and was a part of the first judicial district of the state. In the original bill for its organization it was named Ludlow, in honor of the naval hero of that name; but in the house an amendment made it Jo Daviess to perpetuate the name of Joseph Hamilton Daviess, who fell in the battle of Tippecanoe.

Before any court was organized one Michael Dee was convicted of theft, by arbitrators, and all smelters and miners were forbidden to harbor him or give him employment. This was the first administration of law in the county. A curious coincidence is that a year later this same Dee had the distinction of the first indictment and conviction by a court, for assault with intent to commit murder. For two years justices of the peace were the presiding judges of the circuit court. They were three in number, John Cornoly, Hugh Coulter and Abner Field. At their first session they fined two members of the bar for contempt, and ordered the sheriff to keep their bodies until it was paid. It is said this was done to impress the bar with the dignity and importance of the court, of which the lawyers had not shown sufficient appreciation.

In 1829 the county was placed in the fifth judicial circuit, constituted of the counties of Jo Daviess, Peoria, Fulton, Schuyler and Adams, and Richard M. Young was appointed, by act of the legislature, to preside as judge in the circuit. In May, 1829, he held his first session in Galena, and continued to preside until 1835, when he was succeeded by Stephen T. Logan. Thomas Ford, afterward Governor, succeeded Logan in 1836, and he was succeeded by Daniel Stone, in 1837, and he by Thomas C. Browne in 1841, who presided until 1849, when Benjamin R. Sheldon was elected judge.

Judge Sheldon continued to preside in the circuit court until 1870, when he was elected to the supreme bench, and there continued until June, 1888. He died at Rockford, Illinois, in 1896, leaving considerable wealth. He was never married. Galena was his home until a few years after he was elected to the supreme bench. His reported judicial opinions are his monuments. He came to Galena from Massachusetts in the '40s. He was not regarded as a great lawyer nor broad in his views as a judge. Before his election to the bench his practice was small and unremunerative and confined mainly to collections. He was not an orator, but had a judicial turn of mind. He was a graduate of Williams College, Massachusetts. His intense patriotism led him to say at a war meeting in 1862 that the constitution should be disregarded when it re-

strained the purposes of the administration, and shortly afterward, on the application of David Sheean, a member of the Galena bar, he refused to grant a writ of habeas corpus to one Donnelly, who had been imprisoned without warrant or sworn complaint, but who was beaten and taken to jail by two private citizens, because he had said in front of a recruiting office that he would not enlist until he got his bounty in his hands, as certain persons who had enlisted had not received the promised bounty. This being regarded as discouraging enlistments, Judge Sheldon refused to issue the writ on the ground that in the New York Tribune there was a statement that the secretary of war had issued an order that all persons guilty of discouraging enlistments should be arrested and detained. Being denied release, Donnelly brought suit through his counsel for false imprisonment, which suit was tried before Sheldon and is reported in 41st Illinois Reports, page 126. Sheldon also sustained pleas that the president might order the arrest of any citizen in time of war beyond belligerent lines when the civil courts were open and unobstructed. This ruling the supreme court set aside in 44th Illinois Reports, page 142. Sheldon's manner was cold and distant, and it was supposed he had no feelings or passions that could be aroused to swerve him from a strict administration of the law. But these occurrences show he was but human.

The records show that at the October term of court in 1828 John Turney, William Smith, James M. Strode and Benjamin Mills, attorneys at Galena, attended that session of court. John Turney was a native of Tennessee and came to Galena in 1827. He practiced at the bar there, with ability and success, until 1845, when he died. His son, William A. Turney, was afterward the gentlemanly and obliging clerk of the supreme court, at Springfield. William Smith also came to Galena in 1827, was a man of fine abilities, but did not live long after his arrival. James M. Strode was quite a character. He came from Kentucky at an early day and got the title of colonel in the Black Hawk war. He was a forcible talker, but often amused his hearers by his misquotations, of which he was very fond, and his queer and crude figures of speech and odd expressions. He left Galena in 1840, but returned in 1858 to defend an old Kentucky friend, as odd and queer as himself, one Elias Bayless, on a charge of libel. On this trial the libelous letter was in evidence, and Strode insisted it was a forgery because his friend, Bayless, could never spell Yankee right, and in the letter it was correctly written "Y-a-n-k-y." Throughout this argument, it appeared that he had lost none of his oddities. He died at Chicago shortly after that.

Benjamin Mills was a native of Massachusetts, reputed to be one of the most brilliant of the Galena bar during his time. He was a member of the legislature of 1832 and chairman of the house managers in the prosecution of Judge Smith, by impeachment, for official misconduct. Ford's History of Illinois contains these words in reference to Mills and this trial: "This highly gifted man shone forth with uncommon brilliancy, in three days' summing up, by way of conclusion, on the side of the prosecution." Soon after this session

his health failed and he quit practice and went back to his old home in Massachusetts, where he died.

Charles S. Hempstead came from St. Louis, where he had practiced sixteen years, to Galena in 1829 and practiced over forty-five years at the Galena bar. He died in Galena in 1874. He did a large commercial business in the early part of his career in Galena and accumulated considerable wealth. He was a refined, temperate and very religious gentleman, scrupulous in all his dealings and pleasant in his associations with men. He was not a public speaker, but a good office lawyer. He entered into partnership with E. B. Washburne when that gentleman came to Galena. The firm was Hempstead & Washburne, and continued until the latter went to congress, in 1852. As a good citizen and upright man his death was regretted by all who knew him. His sixty years of law practice is probably not equaled for length in the United States.

Following these pioneers of the Galena bar came Jesse B. Thomas, later judge of the supreme court; Stephen Hempstead, subsequently elected governor of Iowa; Thomas Hoyne, who became a brilliant light of the Chicago bar in later years; Joseph C. Wells, who became lieutenant governor of Illinois; and Thompson Campbell, of whom it is said no one could talk with him for ten minutes without hearing something to remember.

Thomas Drummond came to Galena in 1835, from his native home, in Maine, and practiced law here until he was appointed United States district judge, in 1849. He was a graduate of Bowdoin College, Massachusetts. His career as judge of the United States district and circuit courts is well known to the bar of Illinois, by whom his decisions are regarded as profound and able. As a lawyer at the Galena bar he stood close to the head. Although overbearing and arbitrary in his contact with opponents, he was respected for his ability, integrity and energy. He was great among the great lawyers then in Galena. He served one term in the legislature, in the house, with Trumbull, Bissell and others, being elected thereto in 1840. In 1847 he was one of the Galena directors of the Galena & Chicago Union Railroad Company. In 1850 he took his seat as United States district judge, succeeding Nathaniel Pope in that position. In 1869 he was appointed judge of the United States circuit court for the seventh judicial district, embracing the states of Indiana, Illinois and Wisconsin, in which he presided until he retired, in 1884. He died at Wheaton, Illinois, on May 15, 1890, at the age of eighty-one years. While practicing in Galena his clients were the bankers, merchants and business men. Although not an eloquent or graceful talker, he was forcible and argumentative, dwelling with great power and minuteness upon the strong points. He was looked upon as honest, cautious and safe, and his advice was regarded as valuable. Though removing from Galena when appointed judge, he loved his old home here and made frequent and prolonged visits up to the time of his death.

Elihu B. Washburne was more of a politician than a lawyer. He obtained fame as a member of congress, from 1852 to 1868, from the Galena district. He was President Grant's first secretary of state and minister to France during the

Franco-Prussian war. As a lawyer he was not above the average, and his business as such was confined mainly to collections. He came to Galena in 1840 from the state of Maine, financially poor, and practiced law until 1852, when he was elected to congress over the gifted and talented Thompson Campbell, in his candidacy for a second term. He died in Chicago in October, 1887, at the age of seventy-one years, leaving a rich estate, and is buried in Greenwood cemetery, in Galena, where a towering granite shaft marks his resting place.

Joseph P. Hoge came to Galena from Ohio in 1836. He was a great scholar and a great lawyer. Graceful and eloquent as an orator, he was equally clear, concise and classic in his addresses. He was unexcelled in his terse, lucid and logical presentation of legal principles to the court. Quick in his perception, he readily met every emergency in the trial of a case and was always entertaining, even in discussing dry, technical questions. Of course he was successful in business. He had no superior at the Galena bar. He was sent twice to congress,—1842 and 1844. He and his partner, Samuel Wilson, went to San Francisco in 1853, where they practiced law with distinction and success and accumulated large fortunes. He died there a few years ago, upward of eighty years of age.

John M. Douglass, in whom as a lawyer the people had implicit confidence, came to Galena from Plattsburg, New York, in 1840, footing his way from Chicago, because he did not have money enough to pay stage fare. He was a profound and successful advocate. At his advent in Galena, and for many years following, he was on one side of every mining suit, and every client felt lucky in obtaining his services, and paid him large fees. He would go into the mine in question with an old suit of clothes, crawl on his hands and knees through low and narrow drifts, posting himself on the situation and points in dispute and then astonish his hearers with his exact knowledge of every detail of the mine in examining witnesses and in arguing the case. He never tried a bad case, but always settled it; and when Douglass went into a trial everyone knew he would win. He had extraordinary power of thought, and so absorbed would he become that he would not notice persons in the room or speak to them on the street, oblivious to all surrounding influences. It is said of him by those who knew him best that his off-hand opinions were worthless, but after he had thus subjected a question to the processes of his mind you could absolutely rely upon the correctness of his advice. This faculty enabled him to explore all the dangers and advantages in his cases, and he was never to be taken by surprise. He was always on guard and well fortified, even at points his adversaries failed to see or attack. He was always candid, fair and honorable and, when aroused, his earnestness was intense and overwhelming. His persuasive faculties in argument were irresistible. He was eccentric and peculiar in his habits. He shunned society and ridiculed its follies, preferring the companionship of his own mind, and occasionally of a single friend, to general intercourse with his fellow men. In all his transactions for other people he kept before his mind the thought that as long as he did business for them better

than anyone else would do it his services would be in demand, and when others could do the business better than he, people had no use for him. He left Galena in 1855 and entered the employ of the Illinois Central Railroad Company, at Chicago, as its counsel, and later became one of its resident directors, and still later its president for several years,—during the period from 1865 to 1871, inclusive. In 1875 he again acted as counsel for the company, but soon had to retire on account of ill health. He then went to his large stock farm in Jo Daviess county, operated by himself and his brother William for several years thereafter, retiring later to Chicago, where he died, leaving a considerable fortune to his widow and children.

O. C. Pratt and Van H. Higgins, of the law firm of Pratt & Higgins, constituted a prominent and successful firm in Galena from 1844 to 1852. Pratt had a fine education and great natural ability, was a shrewd lawyer and eloquent speaker. He was haughty and unpopular, but respected for his superior talents. He went to California in 1852 and became a judge there and later was lieutenant governor of Oregon, where he died. Higgins was not an orator, but a law book-worm, an untiring student and filled himself with legal lore, which he made use of in the court to the astonishment of the younger men of the bar. His piles of books, when he was about to argue a case, seemed formidable to the beginner. He went to Chicago in 1852, became a successful practitioner there, was sent to the legislature and elected judge. He acquired a fortune and died at Chicago but a few years ago.

Colonel E. D. Baker, widely known for his brilliant eloquence, came to the Galena bar in 1847, from Springfield, Illinois, and was elected to congress from the Galena district in 1848. After his term expired he went to California and from there to Oregon, whence he became United States senator. He pronounced a masterly eulogy upon the lamented David C. Broderick, of California. He enlisted in the war of the Rebellion and was killed in battle at Ball's Bluff, on the Potomac, early in the conflict.

Wellington Weigley, the father of the Weigleys in Chicago, was educated for a Methodist minister and pursued that calling a number of years in Jo Daviess county before changing his profession to the law, which he pursued at Galena with success until a few years ago, when he retired to his farm near the city, where he now lives at a greatly advanced age. He was a very persuasive speaker, earnest and energetic and much to be feared by opponents, especially when he had the close of a case. He came to Jo Daviess county from Pennsylvania in 1835 and took up the practice of the law early in the '40s. He was a member of the constitutional convention of 1862, and opposed the adoption by the people of the instrument framed by that body.

Madison Y. Johnson, a genial conversationalist, was born in Xenia, Ohio, January 7, 1817, and removed when a child with his parents to Louisville, Kentucky, and began the practice of law there, removing thence to Shawneetown, in 1841, where he practiced until 1844, and then came to Galena and practiced in Galena continuously until he died, in 1890. Though not a profound lawyer he made a first good impression on his hearers and was a dan-

gerous opponent in the trial of a case. In his argument he used set expressions, which members of the bar would sometimes count up into the thousands in one speech. He was like Strode in his quotations. He was energetic and persistent in all his undertakings. He was fearless in maintaining what he believed to be right, even if it involved personal inconvenience and danger. He was not popular. He had no elements of the demagogue about him, but defied the popular will in maintaining what he conceived to be right. An extreme instance of this was his imprisonment in Forts La Fayette and Delaware, from August 28 until December 13, 1862, upon the order of the secretary of war procured by Congressman Washburne and executed by United States Marshal Jones, of Chicago, and his deputies, the basis of which was a suit for damages he instituted for one Nicholas Roth against one Bradner Smith, for false imprisonment, which case is reported in 41st Illinois Reports, page 314. After his release he instituted suit in his own behalf, for false imprisonment, against Washburne and Jones and his deputies and also against Bradner Smith, who made affidavit of the beginning of the Roth suit to procure Johnson's arrest. The defense was the existence of war and the order of the president, through his secretary of war. The special pleas were embellished with a charge that he was a member of the "Knights of the Golden Circle" and was aiding the rebellion, which was wholly untrue and was demurred to, and the demurrer was sustained by the supreme court in an able opinion by Justice Lawrence, reported in 44th Illinois Reports, page 142. On return of the case to the circuit court the defendants, by agreement, confessed their guilt and admitted on the record that Johnson had done no wrong, had upheld the constitution and laws of his country and submitted to a judgment of one thousand dollars damages and costs, thus falsifying the charge in the special pleas and making a perpetual record in refutation of their allegations.

Robert H. McClellan, the law partner of John M. Douglass, came to Galena from Albany, New York, in 1850. He was a good lawyer, and frequently advised his younger associates at the bar. He has been the local attorney of the Illinois Central Railroad Company since his advent in Galena. He has become very wealthy, and most of his time is devoted to the care and management of his immense property interests in this and other states. He was president of the National Bank of Galena for several years and was at one time an active and useful member of the legislature, in the senate, and was chairman of the committee having charge of the bills introduced into that body. Though considerably advanced in age, he is still an active and energetic citizen of Galena, alive to all matters of public interest as well as to his individual affairs.

John A. Rawlins was born in Jo Daviess county in 1831. He was reared on a farm, and when old enough burned charcoal and sold it in Galena to procure the means for his own education. Besides the common-school education, he attended the seminary at Mount Morris for some years, and during the same period of time that Senator Cullom was educated there. He began the practice of law in Galena in 1854 and continued it there until late in 1861. He was a powerful and earnest talker and masterful in all his efforts at the bar. He

tried his cases so well that those who heard him would say nothing was left undone on his side of the case. He was very popular with all people and his success before a jury was generally assured. He was really fierce in public debate, overriding all opposition and arousing his hearers to great excitement. He was the Democratic candidate for district presidential elector in 1860, and held public debates throughout the district, with Allan C. Fuller, the Republican candidate. Late in 1861, he became aide on General Grant's staff and later his adjutant general and chief of staff with the rank of brigadier general and major general. He remained with General Grant to the close of the war, and in fact until his death. He was regarded as indispensable to Grant. He never returned to the practice of law. When General Grant became president in 1869 General Rawlins was appointed secretary of war and died after holding that office for a few months. He is buried at the Soldiers' Home, near Washington, D. C., and a statue to his memory (a very good likeness of him in military costume) is erected on Pennsylvania avenue in the city of Washington, where he died. When General Grant was talked of as a presidential candidate in 1868 Rawlins came from Washington to Galena early in that year and delivered an elaborate address at a public meeting, setting forth the political views of General Grant, which was published in all the prominent newspapers of the country and undoubtedly contributed largely, as it was intended to do, to the nomination and election of Grant to the presidency. Universal regret was expressed at his death, through the press of the whole United States, and the prediction was frequently therein made that, had he lived, he would have become the president of the nation.

Of the seven lawyers in the Sheean family David and J. L. were born in Boston, Massachusetts, the former in 1833 and the latter in 1835, and came to Jo Daviess county with their parents in 1837 and were reared on a farm. Thomas J. was born on the farm, in 1838, and he, with his son, James M., and his brother, David, now compose the law firm of D. & T. J. and J. M. Sheean. Thomas J. began to study law in his brother David's office in 1867, and they have been practicing together since June, 1869. James M. was born on the old homestead farm near Galena, in 1866, and entered the law firm in 1889 and soon acquired a legal reputation equal to if not exceeding that of the old members of it. He was elected city attorney three terms, from 1891 to 1897, and framed the present revised ordinances of the city of Galena, regarded as the best codification of the city laws that has ever been made. Thomas J. was elected mayor of the city for three successive terms, from June, 1873, to June, 1876. J. L. read law in 1857 in the law office of the present United States senator, William B. Allison, at Dubuque, Iowa, and opened a law office at Anamosa, Iowa, where he pursued his profession successfully until 1897, when he died. In 1862 he married the sister of General John A. Rawlins, who still survives. His sons, James B. and John R., are now lawyers at Omaha, Nebraska. The former is assistant general counsel of the Fremont, Elkhorn & Missouri Valley Railroad Company; and another son, William D., is practicing law at Anamosa, Iowa.

THE BENCH AND BAR OF ILLINOIS

David read law with John A. Rawlins and formed a copartnership in January, 1858, which continued, under the firm name of Rawlins & David, until January, 1862, when it was dissolved only because of prolonged absence of Rawlins in the army. He has practiced law for upward of forty years in the same rooms in which he practiced during that period of time the business of the firm has extended to several courts of this state and the states of Iowa and Wisconsin, the United States courts at Chicago and in Iowa, and the supreme court of the United States at Washington. The firm has been the local counsel for the Chicago & North-Western, the Chicago, St. Paul & Northern Pacific, and the Chicago Great Western Railway Companies for a number of years. Mr. Sheehan was twice elected city attorney and once mayor of Chicago. He was included in the same order of the war secretary with Mr. John J. McVicker in 1862, and was unconditionally released the same day, December 10, 1862. The Galena people and those of the county were greatly incensed at the administration, and towards Mr. Washburne, who instigated the elections of that year Washburne's usual majority of from one thousand two hundred in the county fell to thirty-seven. John J. McVicker returned home together after their release. They were met at Freeport by delegations from Galena, to welcome them back. At the Sherman House in Chicago a crowd and brass band called them out and made short addresses from the balcony and more extended addresses in the evening at Kingsbury hall. At the depot at Freeport an immense crowd gathered, which they addressed from the platform of the cars. The people were wild with joy; bonfires blazed upon the hills, and the city was illuminated. The assembled crowd at the depot demanded the release of each of them. A long procession was then formed and proceeded with bands of music and great cheering through the principal streets to the eternal flame of fireworks, to the market square, where they addressed the people. This welcome was confined to no political party, but rejoiced at their return.

Mr. Sheehan brought suit against Washburne and the United States and its deputies and others, for false imprisonment, with like result in the other case. The case is reported in 44th Illinois Reports, page 100. Mr. Sheehan's detention was the commencing of a suit for false imprisonment for one Donnelly (reported in 41st Illinois Reports, page 100) wherein stated. The defendants in that suit made affidavit to the effect that upon it Mr. Washburne procured the order to send him to Fort Warren in New York harbor. While Mr. Sheehan was away Judge Sheehan's case to be dismissed for want of prosecution, at the October term of 1862. At his return he renewed the suit (reported as above), and finally obtained judgment for Donnelly.

The final judgment in Mr. Sheehan's own case, in the circuit court of Daviess county, as in Johnson's, contains these averments, entered in the record: "And the defendants now come and admit that

fore filed by them and the matters and things therein set forth against the plaintiff are untrue in substance and in fact, and ask leave to withdraw the same, which is granted, and defendants confess the wrongful trespass and imprisonment set forth in the declaration, and say they are guilty as therein charged, and confess that the seizure and imprisonment of the plaintiff was wrongful, unjustifiable and without cause, and say that the plaintiff did no act, used no expression, nor exercised any influence not in support of the government of the United States, its constitution and laws, and submit to a judgment of one thousand dollars and costs."

All the Sheeans are liberal in religion, members of no church, and are Democrats in politics.

Thompson Campbell was born in the year 1811 at Kennett Square, Chester county, Pennsylvania. Soon after his birth his parents removed to western Pennsylvania and settled in Butler county, where he grew up and attended school until of an age to enter college. He entered Jefferson College, at Canonsburg, Pennsylvania, and after finishing his college course, having resolved to make the law his profession, he went to Pittsburg and read law under the direction of M. Y. Fetterman, a prominent and distinguished attorney of that city, was admitted to the bar there, and began the practice of the law. Being attracted to what was then the far west, he removed to Galena, Illinois, at that time the most flourishing town in the west, where he had for his colleagues and friends men of ability and note. He continued to live in Galena until appointed secretary of state by Governor Ford. During his term of office he resided in Springfield, Illinois, and there wrote the first public-school report of the state. He was elected a delegate to the constitutional convention called to amend the constitution of the state, and took a leading part in the deliberations of that body. In 1850 he was elected a member of congress, to succeed Hon. E. D. Baker, and was defeated, by Hon. E. B. Washburne, for a second term. He was appointed by President Pierce, United States land commissioner to settle private land claims in California, and removed with his family to San Francisco in the year 1853, entering immediately upon the duties of his important trust, which demanded the exercise of the highest legal ability. His decisions were seldom, if ever, reversed on appeal. About 1855 he resigned to renew the practice of the law, in which he achieved marked success, maintaining the high reputation won in Illinois. In 1859 he made, in company with his family, a visit to Europe, returning after a year to take up his residence in Chicago. In the campaign of 1860 he was an elector at large on the Breckenridge ticket, stumping Illinois and Wisconsin for that ticket. In 1861 he returned to California and resumed his legal practice. At the outbreak of the civil war he promptly gave his support to the Union cause and became one of the Republican leaders of the state.

To quote from "Representative Men of the Pacific": "So widely did his fame as an orator and thinker extend, that, in July, 1863, the proprietors of the Sacramento Union, the leading journal of the state, proposed to Mr. Campbell that if he would visit Sacramento and deliver a speech on the state of the

country, they would at their own expense have it reported stenographically and printed in full. This offer was accepted, and Mr. Campbell made one of his ablest and most convincing speeches. The state central committee ordered ten thousand copies to be printed in pamphlet form, but soon raised it to fifty thousand. It was generally agreed that the victory achieved by the Union party in California, was owing as much to the efforts of Mr. Campbell as to those of any other Republican leader."

Mr. Campbell was elected to the California assembly and made chairman of the judiciary committee. His influence in that committee and in the assembly chamber was remarkable. The excitement produced by the war at that time was intense, and one of the principal subjects of discussion was the declaration contained in the resolutions passed by the Union convention that the volunteer soldiers were entitled to vote at the general election in California, although they might be without the boundaries of the state at the time. Addressing himself to this topic, Mr. Campbell electrified the convention with a speech at once argumentative and eloquent, the beauty and finish of his periods, the perfect harmony existing between his own feelings and the general sentiment of the party, the impassioned mood of the speaker, the vast audience,—all joined to heighten the effect of this splendid effort. He spoke of the lofty valor, heroism and unfaltering devotion of the Union soldiers, which would render their posterity more proud of them than if they had sprung from a race of kings, and stated that we would send the ballot, if necessary, round about the pendant globe, but that it should reach them.

In 1864 he was chosen a delegate to the national convention at Baltimore, and participated in the proceedings which renominated Abraham Lincoln for the presidency. On his return home his voice was heard on many public occasions. He continued to practice his profession until his death, which occurred, after a short illness, at his home in San Francisco, December 6, 1868. He left a wife, son and daughter to mourn the loss of a devoted husband and father.

Though perhaps somewhat recapitulating in certain portions of its subject-matter, as taken in connection with the preceding paragraphs, yet so full of interest and valuable information is the following article that it would be flagrant neglect to omit its reproduction in this work. The article is an address which was delivered before the Illinois State Bar Association in 1894, by Hon. R. H. McClellan, of Galena, who kindly permits its use in this connection:

When I accepted the invitation of President Anthony to prepare a paper upon the early history of the bar of Jo Daviess county to be read at the present meeting of the Bar Association of the State of Illinois, I had little idea of the difficulties attending the procuring of authentic information upon the subject, or I think I should have declined the undertaking. That period of the early history of the Jo Daviess bar which I propose to consider in this paper, comprises the first two decades, or from the organization of the county down to 1850. As I did not come to Galena to live until after the latter date, I have no personal knowledge of the events narrated previous to 1850; though I did have subsequently a personal acquaintance with many of the members of the bar whose history I have sketched. Several of them I came to know intimately. But I find that

all the lawyers who were in this county during its first decade—in fact, all who were here as late as 1850—are either dead or have left the county, if still living. And all the old citizens of the county who were their contemporaries and who could have given valuable and reliable information are likewise dead or gone. The early court records are also very scant and unsatisfactory, for years not even containing a list of the attorneys who were in practice. Owing to this state of facts it has been no easy task to procure the material for the very meager sketch of the early members of the Galena bar which follows.

The county of Jo Daviess was established in 1827, and made a part of the first judicial circuit. It extended from the Wisconsin line south to the military tract, and contained sufficient area to make a respectable state. Its singular name was given it by the legislature in honor of the memory of Colonel Jo Daviess, a gallant Kentucky soldier, who was killed at the head of his regiment at the battle of Tippecanoe. The first term of the circuit court (and the first court ever held in the county) was held in June, 1828, by three justices of the peace acting as the judges, the statute having given them the authority to so act in the absence of a regular judge. Another session was held in October, 1828, by five justices of the peace. These justices seem to have entertained high notions of their dignity, as at their first session they fined Attorneys Payne and Strode ten dollars each for contempt of court, and the next term they imposed a fine of five dollars upon William S. Hamilton, son of the illustrious Alexander Hamilton, for another infraction of the judicial dignity. As they were very common and illiterate justices of the peace, it is quite likely the amount of fines imposed upon the offending attorneys very inadequately measured the real contempt which these learned lawyers actually felt for that primitive court. Contempt of court seems to have gone out with these justices of the peace, and, I think, no lawyer has been fined for this offense during the last fifty years of the history of the Jo Daviess county circuit court. The judges have been able, learned and patient, and the lawyers considerate and respectful.

In May, 1829, the Hon. Richard M. Young presided as judge at that term. He was succeeded in 1835 by Stephen T. Logan, who was succeeded in 1836 by Thomas Ford (subsequently governor of the state), who was followed in 1837 by Dan Stone, who was succeeded in 1841 by Thomas C. Browne, who presided until 1849, when Benjamin R. Sheldon was elected. I am unable to find any record showing what lawyers were present at the first term of the circuit court in June, 1828, but at the October term of that year John Turney, William Smith, James M. Strode and Benjamin Mills were reported as being in attendance. John Turney was a native of Tennessee and came to Galena in 1827 and was an active and successful practitioner until his death in 1844 or 1845. William Smith came to Galena also in 1827. He had the reputation of being a man of fine talents and a good lawyer, but was of intemperate habits and died at an early day. Colonel James M. Strode was from Kentucky and was in active practice in Galena for many years. He was a prominent officer in the Black Hawk war, which seems to have been regarded by its participants in that day as one of the greatest wars of either ancient or modern times. He left Galena for Chicago about 1840, and died near that city several years ago.

Benjamin Mills was a man of remarkable ability, learning and eloquence, of whose wit and brilliancy tradition has handed down many amusing anecdotes. The older members of this association who were acquainted with the late Judge Joseph Gillespie, of Madison county, will doubtless remember his telling some of these stories over and over again—night after night—in the hotels of Springfield. Indeed to the last days of his life Judge Gillespie never tired of eulogizing Ben Mills. By the common consent of all his contemporaries Mr. Mills was regarded as the most popular and brilliant lawyer of his day at the Galena bar. He was a member of the legislature of 1832-3 and in the impeachment trial of Judge Theophilus W. Smith, one of the justices of the supreme court, for official misconduct, he was chairman of the managers of the prosecution of the house of representatives.

During the larger period of his residence in Galena Mr. Mills was like, perhaps, most of the lawyers of the time and place, a man of somewhat convivial habits, but

reformed, and became a most earnest and decided Christian. His health after a few years failed and he was obliged to abandon his practice and go back to his native state, Massachusetts, to die. And thus went out in the early morning of his promise the brightest legal light that ever illumined the bar of Jo Daviess county.

I have not been able to find that there were any other lawyers at the Galena bar when the first terms of that court were held in 1828 than those above named. After 1830 the growth of the town and the rapid increase of business, and the fact that Galena was the only town in the west in which there was any considerable amount of money of any kind, and the only town where gold and silver was the only circulating medium, induced many eminent lawyers from all parts of the country to come here and open offices, so that soon the Galena bar became noted as one of the ablest, if not the very ablest, bar in the state—a reputation which a history of its members will show was well justified.

My space will not permit a sketch of all the attorneys who composed the bar from 1830 to 1850. I can only briefly notice those who were the most prominent, men conspicuous for their talents, legal learning or eloquence. In this list we find Governor Thomas Ford, Jesse B. Thomas, afterward a justice of the supreme court, and Stephen Hempstead, subsequently governor of Iowa, all of whom at one time were members of the Jo Daviess bar. Thomas Hoyne, for many years one of the most distinguished lawyers of Chicago, began his early career at the Galena bar and practiced there for a considerable period. Joseph C. Wells, a lieutenant governor of the state, was also for many years an active member of this bar. All these men left Galena at an early day and became eminent, and their several histories are well known.

Charles S. Hempstead, for over forty years a citizen of Galena and a member of the bar, came to Galena from St. Louis in 1829 and entered at once upon a large and lucrative practice. He was a good commercial lawyer, and the business relations of Galena being almost entirely with St. Louis, he secured all the St. Louis collections and became wealthy. He was a gentleman of the old school: polite and refined in his manners, temperate in his habits, moral and religious in his life and of the most unblemished integrity. He was one of the original directors of the Galena & Chicago Railroad Co. He died respected and lamented by the whole community in 1874.

In 1835 Thomas Drummond became a member of the Galena bar. He was a native of Maine and a graduate of Bowdoin College. Being a young man of education and culture and a well-read lawyer, he very soon secured an excellent practice. His clients were the bankers, merchants and best business men of the busy little town. He was industrious, studious and faithful to his clients, and proverbially honest and conscientious. In his legal practice at the bar he exhibited the same high devotion to duty and love of truth; the same abhorrence of fraud and chicanery which so peculiarly marked his judicial career. Although not an eloquent or graceful speaker, he was strong and argumentative, dwelling with great force and minuteness upon the strong points of his case. He was always earnest and very persistent in his advocacy—sometimes, indeed, almost pertinacious. As a counselor his advice was highly valued by business men, as he was regarded as honest, cautious and safe. For many years and until his appointment as judge of the United States district court of Illinois, in 1859, his high character, learning and ability caused him to be looked upon as, perhaps, the leading member of the bar of his county. What he was as a jurist upon the bench is well known to all the lawyers of this state. His eminent ability—his learning—his absolute impartiality; his incorruptible integrity; his love of justice; his intense passion for equity and his hatred of fraud, trickery and dishonesty; his wonderful devotion to the duties of his high office, even down to partial blindness and extreme old age, were remarkable, and were characteristics seldom found in combination to the same degree in the great judges of any age. It is not strange that the Galena bar always regarded him with admiration and were justly proud of his well-earned fame.

Joseph P. Hoge, another eminent member of the Jo Daviess bar, came to Galena from Ohio about 1836. Mr. Hoge was a man of great natural ability and highly edu-

cated. He was a graceful and eloquent orator. His style was remarkably clear, concise and classic. No man at any bar could surpass him in the power of lucid statement and terse, logical presentation of legal principles of the court. It was a treat to the acutest intellect to listen to him while arguing the driest abstract legal proposition. In this respect he never had his equal at that bar. He was learned as he was able, and a successful lawyer in the trial of cases. It is not too much to say that there was no court in the Union in which Mr. Hoge would not have held high rank. His talents were, indeed, in every respect superior. He was twice elected to congress from his district. In 1853 he went to San Francisco and there maintained his high reputation; became judge of one of the courts and died two or three years ago, upward of eighty years of age.

Samuel M. Wilson, a partner of Mr. Hoge, came to Galena about 1845 from Ohio. He was a close, technical lawyer—a hard student and a man of the most untiring industry. No man could raise more points in a case or fortify them with more numerous citations of authorities. He was engaged in many important suits and with a great degree of success. He went to San Francisco with Mr. Hoge in 1853, gained a very large and very profitable practice and acquired a fortune. He became one of the most distinguished lawyers in California and died some three or four years ago.

But beyond question the most popular and brilliant advocate at the bar in those days was Thompson Campbell, who came to Jo Daviess county about 1836, from the state of Pennsylvania. He was decidedly a man of genius. His figure, language, voice and manner were all captivating and prepossessing. He was persuasive, witty and eloquent. Many of his speeches, especially in criminal trials, have been reported by lawyers who heard them to have been masterpieces of forensic eloquence, abounding in wit, satire, pathos and every element of the highest style of oratory. In that kind of public speaking he had no equal at the Galena bar in his day. He was secretary of state under the administration of Governor Ford and was member of congress from 1851 to 1853. He went to California from congress and was made judge of the United States land court in that state. Had his industry and devotion to his profession equaled his intellectual powers he might easily have reached the loftiest eminence in the legal world. But he relied almost wholly upon his genius and was not a student.

In 1840 a poor young man from the state of Maine, who was destined to play an important part in the affairs of his state and nation, arrived in Galena and became a member of the Jo Daviess bar. This young man was Elihu B. Washburne. He had just graduated from the Harvard Law School and at once commenced practice in Galena. He was successful from the start and after a few years formed a partnership with Mr. Hempstead and continued in active practice with him until his election to congress in 1852. He was elected to congress nine times in succession, and would probably have had a life tenure of that office had he not been appointed by President Grant, in 1869, minister to France, which position he held for over eight years. Mr. Washburne was a member of the Jo Daviess bar for over forty years; but the most of his practice was performed previous to his entering congress. As a lawyer he was a hard worker; untiring and industrious and of unswerving fidelity to his clients. Indeed, faithfulness to trusts committed to him was a leading trait in his character all his life. He was a man of aspiring ambition, iron nerve and restless energy. He was brave and resolute; absolutely fearless; as was evidenced in many instances during his early life in the mining region, as well as through his whole career.

An incident or two will illustrate this feature of his character as well as give some idea of the habits and customs of the people of that time and place. To practice law in the mines in those early times, it was as necessary to have nerve as knowledge. One day a merchant of Galena, a large and blustering bully, having become offended at some professional act of Washburne, bought a rawhide and publicly proclaimed his intention of giving the obnoxious young attorney a cowhiding. He entered the office of Hempstead and Washburne, where Washburne was sitting at his desk, and attempted to execute his threat. But before he could strike a blow the young lawyer had him by the

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collar, and, rushing him out of the office to the head of the stairs, over the banisters, breaking his arm in the fall. It is needless to add that the meeting was adjourned sine die. On another occasion Washburne was in a village schoolhouse when a big drunken rowdy kept interrupting him up the meeting. He was requested to be quiet, but refused and continued his conduct. As none of the audience seemed disposed to interfere, Washburne, from the platform, caught the ruffian by the coat collar and hustled him out of the room and threw him into the street; then returned to the stand and without so much as saying, "Where was I at?"

Mr. Washburne's cool courage was exhibited on many occasions during sessions of congress before the war. But it was in Paris in 1870, during the Franco-German war, when every other foreign minister had fled in terror from Paris, that Washburne's characteristic bravery shone out so conspicuously to the admiration of the civilized world. Had Mr. Washburne not left the office of a statesman his talents, industry and ambition would doubtless have won him the ranks of the eminent lawyers of his state.

The deepest thinker and the profoundest lawyer of the old days was undoubtedly John M. Douglass. Mr. Douglass came to Galena, Illinois, New York, in 1841, and, not having money enough to pay stage fare, he made his way from Chicago. He had not enjoyed the advantages of a liberal education, though he possessed a most excellently disciplined mind. His extraordinary power of abstraction and concentration of thought. So absorbed did he become in thinking about a legal proposition or a case he had become wholly oblivious of all around him, neither seeing nor hearing the same room, nor recognizing them if he met them on the street. His faculty of concentration enabled him to go to the foundation of a case and when he went into the trial of a case there was nothing connected with it that he had not explored. He could hardly be surprised, for he had anticipated every contingency. He gained a large practice in a very short time. His first cases, however, were achieved in trying suits for the lead miners. At this time all the mines were owned by the United States government and leased out to prospectors. If a big lead happened to be struck there was almost always some party to sue for it as his. Then if the claimant was not driven off by force and arms, he would enter and detainer before a justice of the peace and a most exciting trial would follow. These miners were rough and many of them desperate men, and it was the address and coolness on the part of the attorneys in these trials to control the passions of the turbulent crowd and prevent bloody outbreaks. To succeed in these cases required not only a knowledge of the rules and customs of mining but also the force of common law, but also an intimate acquaintance with the facts themselves, the formation of mineral and the character of the rocks, the strata, etc. A man might well be an excellent lawyer and yet be utterly ignorant of these cases. Books and precedents were of no avail. A man must go down into the bowels of the earth to learn these matters. Mr. Douglass made no mistake. He would descend deep shafts and follow dark drifts and delve into the bowels of the earth covered with mud and ochre. But he would know his mine and his case. While still a very young man he was confessedly the best mining lawyer in the region and was for years engaged in almost every mining suit in Illinois. It was a very profitable practice, as he never would leave his office to go to the peace in these cases without a fee of at least \$100 to \$300 or \$400 in advance in gold or silver coin. Out of these mining suits Mr. Douglass accumulated what was then a handsome fortune.

Mr. Douglass was a powerful and successful advocate. He was called to the bar and his convictions were intense and his earnestness something terrible in a trial. His powers of persuasion were such as to make him almost ir-

Jo Daviess jury. In criminal cases his defenses were exceedingly able and ingenious and he seldom failed to acquit his clients.

I think I am safe in saying that it was the unanimous judgment of those lawyers who practiced with him that he was the profoundest lawyer of their acquaintance. Mr. Douglass went to Chicago in 1855 and entered the service of the Illinois Central Railroad Company and was for many years the president of that company. Mr. Douglass was not only a very profound but a very eccentric man, peculiar in his habits. He preferred the companionship of his own mind to that of his fellow men and dwelt apart, never mingling in society. He was a deep, incessant thinker, always pondering over some great problem—never resting. People seeing him on the streets lost in reverie, and, perhaps, talking to himself—called him absent-minded, or worse. At length the machinery of his mind shattered his physical frame, his health broke down and he retired to private life. For the last year or two of his life his brilliant intellect was shadowed, at times, by morbid illusions and he became very much of a wreck of his former self. But in his prime he was a really remarkable man. Take him, all in all, as an acute thinker, a profound lawyer, an invincible reasoner and a convincing orator—winning more verdicts than any other lawyer at the bar: he was without doubt easily the foremost man and the ablest of his day at the Jo Daviess bar.

Wellington Weigley came to Illinois in 1835 from Pennsylvania, a very young man, as a minister of the gospel and preached in the Methodist church in Galena for some time. He was an eloquent and popular preacher, but soon abandoned the pulpit for the law and for many years was a very prominent lawyer at the Jo Daviess bar, with an extensive practice. He was a distinguished mining lawyer, having studied mining thoroughly and practically, and was the only man in the mines who was able to try such cases successfully against Douglass; and the only man, really, that Douglass was afraid of in that sort of litigation. Mr. Weigley was master of an exceedingly neat and perspicuous Anglo-Saxon style. No man could make himself better understood. He was an excellent speaker, earnest and magnetic, and had immense power over juries, and was regarded by his opponents as one of the most dangerous men to close a case there was at the bar. He was a member of the constitutional convention of 1862. Fillmore Weigley and Frank W. Weigley, prominent lawyers of Chicago, are his sons.

(The writer's estimate of Judge Benjamin R. Sheldon is given elsewhere in this work.)

The legal firm of Pratt & Higgins, composed of O. C. Pratt and Van H. Higgins, was a prominent one from about 1845 to 1850. O. C. Pratt was a man of fine education and remarkable natural ability. He was a keen, shrewd lawyer and ready and eloquent speaker. His manners were haughty and unpopular, but his superior talents were conceded by all. He went to California, became a judge and acquired immense wealth from the practice of his profession. Van H. Higgins at that time made no pretensions to oratory (Pratt being the orator of the firm), but he was a most diligent and untiring student. His industry and faculty for absorbing legal lore were wonderful. No man at the bar had such an extensive knowledge of the decisions of the courts. He could quote cases from memory by the hour and give volume and page. His minute and prodigious legal learning quite frightened the younger members of the bar, but it set them to hunting up authorities as well. Mr. Higgins went to Chicago in 1852 and maintained and increased his reputation there for ability and learning. He became judge of the superior court of Cook county and acquired a large fortune.

Col. E. D. Baker, known all over the Union for his eloquence and brilliancy, was for some time a member of the Jo Daviess bar. But his object in coming to this county was not really to practice law, though he pretended to do so, but to enter politics. He had scarcely got located before he began his canvass for congress, to which he was elected in 1848. After the expiration of his term he went to Oregon, became United States senator and was killed in the war of the Rebellion. Whatever may have been his merits as a lawyer, as an orator he had few equals.

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There were many other lawyers of that day of less note, but still talents, only a few of whom my space will allow me to mention. John Stark, a man of literary tastes and fine education, a native practiced law for several years in Galena, but finally gave up the law. A. L. Holmes, from New Hampshire, a graduate from Dartmouth College of ability, who left the law for mercantile pursuits in 1849. And then a man, a man of splendid talents; an eloquent orator, brilliant, witty and an inveterate hater of O. C. Pratts, whom he always spoke of as "it-harangued the jury," he used to say. Had it not been for his h Churchman would have been one of the first lawyers in the state. In California in 1848, shone there with great brilliancy for several years : in the darkness. There was B. B. Howard, lawyer, politician and pat senator, postmaster of Galena, and when the rebellion broke out, raised soldiers and was killed with a large number of his command in a battle in the war.

M. Y. Johnson, a man of many peculiarities of character and we state, came to Galena from Kentucky in 1844 and had a large practice. He was a man of kindly disposition and possessed of a rude and honest a quaint, original humor, often very effective before the juries of his day.

I would not convey the impression by anything I have said that the members of the Jo Daviess bar were men of such splendid talents as those that would not be correct. While that bar was remarkably and excellent contained also some ignorant and stupid members, such as are found in all bars, and will continue to be found until a higher standard of education is required for admission.

I hope it may not be impertinent in this presence to inquire what standard for admission to our colleges and to all the other professions advanced in late years, the time has not come in this state to demand a new of intelligence, education and knowledge of law on the part of those to practice than has been heretofore required, if the profession of law is to be regarded as one of the learned professions?

Permit another suggestion and I have done. There is no other profession in which there is so much wasted energy as in the legal profession, no other calling which demands such vast exercise of the logical faculty, expenditure of intellectual force. And yet there is no profession in which of mental effort are so transient, or so soon obliterated from the public memory as the great preachers of the world, the Spurgeons, the Whitefields, the men who served in their published sermons and passes down from generation to generation. The names of the eminent poets, historians and novelists, are embalmed in time to become immortal. But the erudite, exhaustive and profound argument, the labors of many months, of the great lawyer is heard by perhaps half a century then in a few days forgotten forever.

The brilliant and fascinating plea of the eloquent criminal advocate, the trial by jury by storm and thrills the audience with wild enthusiasm and saves the memory of the prisoner, is but a seven days' wonder, and then the orator and his eloquence are in oblivion. Now in view of these facts would it not be a wise thing to do, to form a law association, or a similar association, to take some steps to preserve some specimens of the speeches of the eminent lawyers of the state, with sketches of their lives, then from time to time, say once in a decade, publish them, so that the people may know something of the great men of their state and appreciate them?

CHAPTER XXVIII.

HISTORY OF THE BOND COUNTY BAR.

BY HON. WILLIAM A. NORTHCOTT.

BOND COUNTY was organized by an act of the territorial legislature, passed January 4, 1817, and at that time extended as far north as the Wisconsin line, and was one of the fifteen counties comprising the territory of Illinois at the time of its admission as a state.

The first court was held June 30, 1817, at Hill's Station, a fort on Shoal creek, about eight miles southwest of Greenville. Judge Jesse B. Thomas, afterward United States senator from Illinois, presided. The legal business of the county from this date until about 1837 was conducted by visiting lawyers, and no record can be found or tradition given of any resident attorney. In 1838 Judge M. G. Dale, then a young attorney, located in Greenville and remained there until a short time prior to the war, when he removed to Edwardsville, Madison county, and continued practice until his death, in 1896. He was a remarkable man in many respects, and one who retained during his entire life the respect and good will of the people of both Bond and Madison counties. He always dreaded to speak in public, and was not strong as an advocate before a jury, but as county judge, at different times in each of these counties, he was a strong judge of law and a most impartial, upright official. He was a very active man, continuing in practice up to the time of his death.

James M. Davis, the next resident lawyer of the Bond county bar, was exactly an opposite type from Judge Dale. He was a man of fiery eloquence, and his particular delight was in presenting a case to the jury or in making a political speech in the public forum. In 1849 he went to Vandalia to take a position in connection with the United States land office, afterward removing to Hillsboro, Montgomery county, where he was the tutor and benefactor of Congressman Ed. Lane, who read law under him and who received his law library as a legacy. Until the beginning of the war Mr. Davis was an active Whig, but at that time became a Democrat and a radical sympathizer with the rebellion. He was a man of considerable talent and great social qualities.

At the beginning of 1850 the following were the resident lawyers of Greenville and members of the Bond county bar: Cornelius Lansing, Elam Rust, Tevis Greathouse, Judge S. P. Moore and Samuel Stevenson. Of these Judge Moore continued his residence the longer in Greenville, not removing until during the war or shortly thereafter. Tevis Greathouse was a man of much more than ordinary ability, fond of literature and an omnivorous reader. After leaving Greenville he practiced law, until his death, in Vandalia.

Between 1855 and 1860 many new additions were made to the membership

of the bar, the most notable being the enrollment of Judge Salmon A. Phelps, who can very appropriately be called its Nestor. Judge Phelps was admitted to the bar in the state of Mississippi in 1841, and moved to Pocahontas, Bond county, in 1844, living on a farm, but practicing law both before justices of the peace and the courts of record at Greenville until 1855, when he moved to the county-seat and has been actively engaged in practice up to the present time. From the years 1859 to 1879 he and his sons had the bulk of the civil business of the county bar. Judge Phelps never liked the criminal practice and while he was frequently retained in the defense of cases, yet it was always distasteful to him. His honorable conduct, strict integrity and disposition to discourage litigation has left a marked impress upon the younger members of the county bar. He has been a man of exemplary habits, kind and courteous, and has the honor in his old age of living in the same county where he has resided for fifty-three years, having the respect and love of all his neighbors. Two of his sons were admitted to the bar in Greenville. One of them, Judge Alfred Phelps, is one of the leading lawyers of the state of Colorado, living at Denver, where he has, by his marked ability and high demand as a lawyer, accumulated a splendid fortune. Another son, George S. Phelps, was at one time state's attorney of Bond county, and is now a member of the bar at Leadville, Colorado, where he has held the positions of city judge and district judge.

Four sons of Ira Kingsbury were, at different times, members of the county bar. The first to be admitted was Judge A. N. Kingsbury, in 1855. After practicing a few years in this county he removed to Hillsboro, where he was one of the leading lawyers until the time of his death. Dennis H. Kingsbury was admitted to the bar about 1856 and continued practice here until his death, in 1893. He was a natural-born lawyer, with all the instincts for special pleading and forms of law; besides he was an aggressive debater and a hard fighter before a jury. He was a man of strict integrity and while of a combative disposition, which frequently led him into personal encounters with his enemies, he was strong in his friendships as well as his enmities. He always commanded a fair share of the clientage of the bar. He never allowed politics or love for place to interfere with his profession, but was its devotee to the exclusion of all other masters. Darius Kingsbury, after admission, removed to Carlyle, where he is still engaged in the practice of law. John Kingsbury, after practicing in Greenville for a number of years, retired, and lives on a farm in Bond county.

J. F. Alexander and A. G. Henry, who afterward became two of Bond county's most distinguished citizens, were admitted about the same time, in 1857. Mr. Alexander was at one time a member of the state senate and prominently identified with the building of the Vandalia Railroad and the Louisville & Nashville Railroad. He was also at one time grand master of the Odd Fellows of Illinois. He devoted but little attention to the practice of law, but was one of the best parliamentarians in southern Illinois, and had a wide and extensive acquaintance throughout the state. He was a man of elegant manners and strong intellectually.

Judge A. G. Henry was county judge of Bond county for two terms, and

also served two terms in the legislature of Illinois. He is a man of strong native ability and uncompromising in his devotion to his political beliefs. Although at an advanced age and confined to his house most of the time by sickness, yet his mind is clear and his memory good, he being a ready and entertaining conversationalist.

Job A. Cooper, who was born in Bond county and admitted to practice in 1859, was at one time circuit clerk of the county and was an active member of the bar during the few years he was connected with it. Shortly after the war he moved to Colorado and rapidly rose in distinction, becoming governor of the state, and is one of its wealthiest and most prominent citizens.

William H. Dawdy was admitted to the bar while residing in Vandalia, but shortly afterward, in 1868, located in Greenville, where he has practiced law ever since and is still one of the most prominent members of the bar. Judge Dawdy has been a member of the court of claims of the state, and also assistant United States district attorney and state's attorney of Bond county. He is a strong advocate before a jury, and during the thirty years of his practice at this bar has been on one side or the other of nearly every important contest. He is very fond of a good story and is of a sociable and courteous disposition. He and Judge Phelps have done much toward giving the county bar its deserved reputation for fairness and honesty, both toward the court, jury and clients.

William A. Northcott, now lieutenant governor of Illinois, was admitted to the bar in West Virginia, in 1877, but removed to Greenville in 1879 and has continued in the practice of law ever since. Shortly after coming to Greenville he formed a partnership with Dennis H. Kingsbury, which continued until Mr. Northcott was elected state's attorney, in 1882. He held this office for three successive terms.

Judge Cicero J. Lindley entered upon the practice of law in Greenville in 1882 and held the office of county judge from 1886 to 1892. He lives on his large and profitable farm three miles south of Greenville, but he has been engaged in many prominent cases. Judge Lindley is widely known throughout the state of Illinois as chairman of the state railroad and warehouse commission, and also as having received the entire Republican vote for United States senator in 1890, when Governor John M. Palmer was elected. Judge Lindley is an orator with a state reputation, and is well grounded in the principles of law.

F. W. Fritz was admitted to the bar in 1889 and immediately formed a partnership with W. A. Northcott, which still continues. He has been twice elected state's attorney of Bond county, and has been actively engaged in practice ever since admission. He is a man of strict integrity, a true friend, and hard worker in his profession. Mr. Fritz is a public speaker of considerable merit and is prominently connected with his party and has advocated its principles upon the stump since 1888.

C. E. Cook was admitted to the bar in Montgomery county and practiced for a few years at Raymond, locating at Greenville in 1889, where he is still

a member of the bar. He has a good clientage and is an industrious lawyer. He has been city attorney and also attorney for the Greenville Building & Savings Association nearly all the time since coming to Greenville.

H. W. Park was admitted to the bar in Richland county and located in Greenville in 1891, and was connected with the firm of Northcott, Fritz & Hoiles until 1897, when he opened an office by himself. He is well learned in the law and was the tutor of Alfred Adams, Joseph Streuber and Clarence E. Hoiles.

James M. Miller, L. H. Craig, H. H. Craig, Thomas Tiffin, Charles E. Davidson, Solon A. Enloe, L. E. Bennett, Joseph Streuber and Alfred Adams were all, for short periods, members of the Greenville bar.

Clarence E. Hoiles, member of the firm of Northcott, Fritz & Hoiles, was admitted to the bar in 1896. He is a grandson of Charles Hoiles, who founded the banking house of Hoiles & Sons, and belongs to one of the oldest and most prominent families in Bond county. Kingsbury & Northcott, Northcott & Fritz and Northcott, Fritz & Hoiles, have been the styles of the firms to which Mr. Northcott has belonged since 1880.

The latest member of the Greenville bar is Joseph H. Story, who was admitted in the summer of 1897, and was appointed county judge, by Governor Tanner, in December of that year, to fill the vacancy caused by the resignation of John F. Harris, who was elected in 1894, but who removed to Montana in 1897. The list of Bond county's lawyers begins with Judge Dale and ends with Judge Story.

The first case on the Bond county docket was that of the United States versus Anderson Riley, for assault and battery, and he was fined five dollars and costs. The first civil case was that of Michael Dodds versus Paul Beeks, an action of trespass on the case. The conclusion of this case is found in the following court entry: "The plaintiff was solemnly called and came not, neither is his suit further prosecuted; therefore, on motion of the defendant by his attorney, it is ordered by the court that the jurors, from rendering their verdict aforesaid, be discharged and that the plaintiff be nonsuited and that the said defendant go thereof without delay and recover against the plaintiff his costs by him about his defense in this behalf expended."

Judge Phelps says that the first court he attended in Bond county was in 1844. James Shields, afterward distinguished as a soldier and United States senator from three states, presided. Among the lawyers in attendance were Lyman Trumbull, William H. Bissell and Joseph Gillespie. In Bond and other counties during the early history of the bar in Illinois the principal attorneys were those who were in the habit of traveling from court to court. Among those distinguished visitors were such lawyers as Sidney Breese, U. F. Linder, Anthony Thornton, A. P. Fields, Governor Koerner, Governor John Reynolds, Jehu Baker, John B. Hay, Richard and Ben Bond. In later years visiting attorneys well known in the Bond county court-room were such men as Metcalf, Van Hoorebecke, B. W. Henry, Judge William Farmer, Judge Ed. Lane and Judge Jacob Fouke.

Lincoln never appeared before the Greenville bar, but he was employed in cases going from Bond county to the supreme court. One memorable case was that of Stout versus Byrnes, which was a contest about a hog, which Byrnes had found trespassing upon his premises and had castrated and turned loose in the woods and which died. Stout claimed the hog, and his attorney brought an action for trover and conversion. In the supreme court Lincoln appeared for Stout and took the position that the castration of the hog was such a conversion as entitled Stout to his action, and the supreme court held the position not well taken. This case is reported in 15th Illinois Reports, page 180.

Judge Phelps tells an amusing incident, growing out of a chase after three fugitive negroes, who were caught in the southwestern portion of Bond county after an exciting chase, which was joined in by about one hundred residents of that part of the county. Three of the men captured the fugitives, slipped them through to St. Louis and received the reward of one hundred and fifty dollars, refusing to divide with the other hunters. Suit was brought before a justice of the peace for division of the prize money, and an appeal taken to the circuit court. Judge Underwood, in passing upon the case, said he "guessed the rules of the hunt would apply and the money must be divided amongst all those engaged in the chase;" and the division was accordingly made.

Judge Henry tells of an incident occurring when Judge Sidney Breese was presiding over the circuit court. It seems that, as was the custom in those days, after adjournment of court the lawyers engaged in the amusement of a little game of cards for money, and that the grand jury "got onto them," indicted them, and they immediately plead guilty and paid their fines. Judge Breese, who was a *particeps criminis*, in open court said to the clerk, "Just assess a fine of ten dollars against the court," which was accordingly done.

In later days such men as Judges Snyder, Watts, Wall, Wildermann and Burroughs have presided over the Bond county circuit court. Judge Snyder was always fond of a good story and enjoyed telling his share of them. It is related of him that during one session of the court, there was a lawyer who was extremely tiresome in telling his stories, and they were very poor stories at that. On one occasion, when the bar and judge had gathered to enjoy the recital of these stories, this lawyer was particularly obnoxious in a long-winded story he was trying to tell; and finally Judge Snyder, becoming impatient, sprang from his seat, grabbed the offending lawyer by the shoulders, and shaking him heartily, said: "Tell that story quick, d—n you! or I'll shake the life out of you."

Upon one occasion such splendid story-tellers as Joseph Gillespie, W. H. Snyder and "Jim" Robinson, of Springfield, and one or two others, were gathered together telling stories. J. P. Garland, of Greenville, a strict church member, was present and a nonparticipant. His sober manner and grave face gave those present the impression that he was ashamed of a court and bar that indulged in such trivial nonsense; but this impression was speedily over-

come, when, after a lull in the story-telling, he slapped his hand upon Joe Gillespie's knee, saying: "Why don't you tell another?"

W. H. Dawdy tells a good joke upon Dennis H. Kingsbury, which happened at the time they were both leaders of the Greenville bar. Kingsbury had a horse called Tim, which he was very fond of driving and which was pretty fast. On one occasion he was arrested by the city marshal of Greenville for fast driving through the streets, and Dawdy defended him. In his plea Mr. Dawdy took the position that Tim was too slow a horse to go fast enough to violate the city ordinances. Mr. Kingsbury arose with much dignity and withdrew the plea and paid his fine, saying, "I would rather pay it than to have the record of my horse attacked."

While Mr. Northcott was state's attorney he was prosecuting Louis White for arson, and John Kingsbury was defending. In his argument Mr. Kingsbury said, "My client was a faithful soldier in two wars, the Mexican and the war of the Rebellion. Where was Louis White at the battle of Buena Vista? I'll tell you, gentlemen of the jury, he was on the back of a mule, fleeing from the enemy!" This climax captured the jury and the defendant was acquitted.

One of the most popular judges presiding over the Bond county circuit court was Judge Amos Watts, of Nashville. He was always kind and considerate of the younger members of the bar. In appearance he was very much like Lincoln, and was full of dry humor. At one time in calling the docket, he called the case of Daniel Joiner versus Ellen Joiner, for divorce. With a dry smile, he said: "I guess Joiner wants to be disjoined."

*Salmon A. Phelps, ex-county judge of Bond county, and a well known practitioner at the Greenville bar, was born in Otsego county, New York, on the 2d of June, 1817, his parents being Joshua and Elizabeth (Peck) Phelps. Both were born and reared near Hebron, Connecticut, and after their marriage they removed to Otsego county, New York, about 1798. They there located on a farm, but later made their home in Cooperstown, New York, where Judge Phelps remained until leaving home in order to complete his education. After preparing for collegiate work he entered Union College, at Schenectady, New York, in 1834, and was graduated in 1838. It was not long after this that he was offered a position as assistant in a private academy in Steubenville, Ohio, where he engaged in teaching during the fall and winter terms of 1838-9. In the spring of the latter year he was offered a more lucrative position in Woodville, Mississippi, where he engaged in teaching in 1839 and 1840, at the same time devoting his leisure moments outside of the school-room to the study of law.

In the autumn of 1840 Judge Phelps was admitted to the bar and began the practice of his chosen profession in Woodville, where he remained until the spring of 1844, when, on account of his wife's precarious health, he removed to Illinois, locating on a farm in the western part of Bond county. In the spring of 1856 he took up his residence in Greenville and resumed the

* The following paragraphs are not a portion of Mr. Northcott's contribution.

practice of law, which he has since continued, enjoying a fair share of the public patronage. He took no very active part in politics in Mississippi, except to aid in opposing the repudiation of the state debt in 1842-3. He came to Illinois a Henry Clay Whig, in 1844, but the event which attended the formation of the Republican party aroused his deep interest, and he joined the new organization, voting for its candidates in 1856. Since that time he has continued one of its stalwart advocates and has taken an active part in campaign work in Bond and adjoining counties. From 1850 until 1872 he discussed from the campaign platforms the issues affecting the general welfare of state and nation, but since that time has left the more arduous political work to others. In the fall of 1890 he was elected county judge, and served for a four-years term, in a strictly impartial manner.

Judge Phelps was married, in Woodville, Mississippi, in December, 1841, to Miss Hannah H. Bulkley, of Granville, Washington county, New York, and on account of her health, as before noted, purchased a farm in Bond county, Illinois, in 1843, removing thereto in the spring of 1844. His wife died soon afterward, however, and in 1845 he married Miss Caroline R. Bulkley, also of Granville, New York, who died in Bond county in 1881. The Judge's sons, Alfred C. and George S., were both soldiers in the Union army during the civil war. The elder enlisted as a private in 1862, and was discharged with the rank of first lieutenant, in 1865. After his return home he spent one year in college at Jacksonville, Illinois, then studied law and was admitted to the bar in Bond county. He then practiced with his father until 1873, when he removed to Denver, Colorado, and is now a prominent member of the Denver bar. He was also a member of the first legislature of that state. The second son, George S. Phelps, entered the army in 1865 and served through the last summer of the war. After completing his education he served as circuit clerk for six years, was admitted to the bar in 1879, and served as prosecuting attorney of Bond county in 1882. The following year he removed to Leadville, Colorado, where he is now practicing law with excellent success. He has served both as state's attorney and as county judge at that place.

William A. Northcott.—The history of a state, as well as that of a nation, is chiefly a chronicle of the lives and deeds of those who have conferred honor and dignity upon society. The world judges of the character of a community by those of its representative citizens, and yields its tributes of admiration and respect for the genius or learning or virtues of those men whose works and actions constitute the record of a state's prosperity and pride. It is this record that offers for our consideration the history of men who for their probity, usefulness and achievements, as well as their integrity in the affairs of life, are ever affording to the young examples worthy of emulation.

While Hon. William A. Northcott ranks among the ablest lawyers of southern Illinois, he has also won distinguished honors in connection with the administration of the affairs of the state, and is now holding the important office of lieutenant governor of Illinois. He was born in Murfreesboro, Tennessee, January 28, 1854, a son of General R. S. Northcott, who at the breaking



Yours sincerely
H. Northcott.

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Department of North Atlantic Fisheries





out of the war of the Rebellion was forced to leave his Tennessee home on account of his Union sentiments. Accordingly he went to West Virginia, where he was commissioned colonel of a regiment. He served throughout the entire war and for nine months was held as a prisoner in Libby.

Having acquired his literary education in the public schools, Mr. Northcott afterward entered the United States Naval Academy, at Annapolis, Maryland, and later he engaged in teaching school. Preparing for the practice of law, he was admitted to the bar in 1877, and in 1879 removed to Greenville, Illinois, where he has since made his home. From the beginning of his career as a legal practitioner his efforts have been attended with success. He has mastered the science of jurisprudence, and his deep research and thorough preparation of every case committed to his care enable him to meet at once any contingency that may arise. His cause is fenced about with unanswerable logic, and his arguments are strong, clear, decided and follow each other in natural sequence, forming a chain of reasoning that his opponent finds very difficult to break. In 1882 he was elected state's attorney of Bond county, was re-elected in 1884 and again in 1888, his faithful service being plainly indicated by the frequency with which he was chosen for the position. In 1880 he was appointed by President Hayes to the office of supervisor of the census for the seventh district of Illinois, and in 1890 was appointed by President Harrison a member of the board of visitors to the United States Naval Academy, while by that board he was selected to deliver the annual oration to the graduating class. In 1892 he was the Republican nominee for congress in the eighteenth district, but was defeated in the Democratic landslide of that year. In 1896 his name was placed on the Republican state ticket for the office of lieutenant governor, and, receiving the highest vote ever given to any man in Illinois, he is now serving in that important position, by virtue of which he is the presiding officer in the senate.

On the 31st of March, 1880, Mr. Northcott married Miss Julia Dressor, daughter of Senator Dressor. She died the following year, leaving a son, Nathaniel D. Mr. Northcott was again married in 1882, his second union being with Miss Ada Stoutzenberg, of Marine, Madison county, Illinois, and they have one daughter, Amy Allen. Mr. Northcott is a prominent and valued member of several civic societies, including the Masonic fraternity, the Independent Order of Odd Fellows, Knights of Pythias, Modern Woodmen of America, Court of Honor, Home Forum, Royal Neighbors and Fraternal Tribune. In November, 1890, he was elected head consul for president of the Modern Woodmen of America, was re-elected in 1892, 1895 and again in 1897, and still continues in that office. His career, both public and private, is marked by the strictest integrity and faithfulness to every trust reposed in him. He has been honored by the state and by social organizations, and in turn his upright career has been an honor to them. In society he is a most genial, cordial gentleman, appreciative of worth in others, and his kindly manner has won him a host of friends, who esteem him for his personal worth, aside from his political and civic honors.

Fred William Fritz is a practitioner at the bar of Bond county, Illinois, is a resident of Greenville, has gained distinctive preferment in his chosen profession and has now a very important and extensive clientele. He was born in St. Louis, Missouri, April 21, 1862, and is a son of Jacob L. and Katharine Fritz, who came to this country from western Germany. The father was a Union soldier during the war of the Rebellion, serving as a member of a Missouri volunteer regiment. In 1866 he took up his residence in Bond county, Illinois, where he spent the residue of his days, his death occurring October 7, 1885. His wife is still living, her home being in St. Louis, Missouri. Her maternal grandfather was a soldier under Napoleon Bonaparte in his celebrated Russian campaign and witnessed the burning of Moscow.

With the exception of a short course in a St. Louis business college, Mr. Fritz of this review enjoyed only such educational advantages as were afforded by the common schools of his neighborhood. Later he engaged in teaching in the schools of Bond county for a number of years, most of the time holding a first-grade certificate, granted him by the county superintendent of schools. His tastes lie along literary lines, and desiring to devote his energies to a professional career, he began reading law in the office of Hon. William A. Northcott, at Greenville, and in November, 1889, was admitted to the bar. Before his admission, in the spring of that year, he formed a partnership with Mr. Northcott, under the firm name of Northcott & Fritz, and later Clarence E. Hoiles, of Greenville, was admitted as a copartner, at which time the style of Northcott, Fritz & Hoiles was assumed. Reference to the county records will show that this firm has been employed on one side or the other of every important case tried in any of the local courts during the last nine years. As the senior member is compelled to give most of his time to the affairs of the Modern Woodmen of America, a fraternal insurance company, of which he is one of the chief officers, much of the law business devolves upon Mr. Fritz, who is fully capable of handling the responsible duties concerning their extensive law practice. He has won for himself very favorable criticism by the careful and systematic methods which he has followed. He has remarkable powers of concentration and application, and his retentive mind has often excited the surprise of his professional colleagues. As an orator he stands high, especially in the discussion of legal matters before the court, where his comprehensive knowledge of the law is manifest and his application of legal principles demonstrates the wide range of his professional acquirements. The utmost care and precision characterize the preparation of his cases and have made him one of the most successful attorneys in Greenville.

Mr. Fritz was married October 7, 1897, to Miss Lucie Smith Keller, a daughter of John Keller, of Edwardsville, Illinois, who is quite well known in Madison county as a Democratic politician, having held several township and city offices within the last ten years. Mrs. Fritz is a graduate of the high school of Edwardsville and is one of the most accomplished pianists of this section of the state. She presides with grace over their hospitable home, and

with her husband is welcomed to the best homes of the city in which they reside.

Mr. Fritz was a member of the Illinois National Guard for a number of years and was twice unanimously tendered the captaincy of his company, but the press of his professional duties obliged him to decline the honor. He filled the office of abstractor of census in his congressional district in 1890; was elected state's attorney for Bond county in November, 1892, and after a four-years term was re-elected in November, 1896.

He has always been a stanch advocate of Republican principles, and does all in his power to promote the growth and insure the success of his party. He holds membership in the Presbyterian church and is a valued member of various social organizations. He belongs to the subordinate lodge and encampment of the Independent Order of Odd Fellows, and in the former has filled all the chairs; is a member of the Knights of Pythias, in which he is now past chancellor; a member of the Sons of Veterans, twice serving as captain of the local camp; a member of the Modern Woodmen of America, the D. O. K. K. and the Masonic fraternity. Such is a brief record of one whose successful and honorable past is an index of his future.

CHAPTER XXIX.

ABRAHAM LINCOLN—DAVID DAVIS—SHELBY M. CULLOM—GEORGE
MANIERRE—ISAAC N. ARNOLD—THOMAS HOYNE—MEL-
VILLE W. FULLER—LEONARD SWETT.

ABRAHAM LINCOLN, the sixteenth president of the United States, stands out conspicuously in the category of illustrious American heroes and statesmen, next to Washington. The one earned the distinguished appellation of "father of his country," the other that of its "savior" from the perils of a fratricidal war.

On the 12th of February, 1809, in Larue (then Hardin) county, Kentucky, Abraham Lincoln was born. His parents were Thomas and Nancy (Hanks) Lincoln. Of his ancestry in early years, the little that is known may best be given in his own language:

My parents were both born in Virginia, of distinguished families—second families perhaps, I should say. My mother, who died in my tenth year, was of a family by the name of Hanks, some of whom now remain in Adams, and others in Macon county, Illinois. My paternal grandfather, Abraham Lincoln, emigrated from Rockbridge county, Virginia, to Kentucky, in 1781 or 1782, where, a year or two later, he was killed by Indians—not in battle, but by stealth when he was laboring to open a farm in the forest. My ancestors, who were Quakers, went to Virginia from Berks county, Pennsylvania. An effort to identify them with the New England family of the same name ended in nothing more definite than a similarity in Christian names in both families, such as Enoch, Levi, Mordecai, Solomon, Abraham and the like. My father at the death of his father was but six years of age, and he grew up literally without education. He removed from Kentucky to what is now Spencer county, Indiana, in my eighth year. We reached our new home about the time the state came into the union. It was a wild region, with bears and other wild animals still in the woods. There I grew to manhood.

There were some schools, so called, but no qualification was ever required of the teacher beyond "readin', writin', and cipherin' to the rule of three." If a straggler supposed to understand Latin happened to sojourn in the neighborhood he was looked upon as a wizard. There was nothing to excite ambition for education. Of course when I came of age I did not know much. Still, somehow, I could read, write, and cipher to the rule of three, and that was all. I have not been to school since. The little advance I now have upon this store of education I have picked up from time to time, under the pressure of necessity. I was raised to farm work, which I continued until I was twenty-two. At twenty-one I came to Illinois, and passed the first year in Macon county. Then I got to New Salem, at that time in Sangamon, now in Menard, county, where I remained a year as a sort of clerk in a store.

Then came the Black Hawk war, and I was elected a captain of volunteers—a success which gave me more pleasure than any I have had since. I went into the campaign; was elated; ran for the legislature the same year (1832) and was beaten—the only time I have ever been beaten by the people. The next and three succeeding biennial elections I was elected to the legislature, and was never a candidate afterward.

During this legislative period I had studied law, and removed to Springfield to

practice it. In 1846 I was elected to the lower house of congress; was not a candidate for re-election. From 1849 until 1854, inclusive, I practiced the law more assiduously than ever before. Always a Whig in politics, and generally on the Whig electoral tickets, making active canvasses, I was losing interest in politics when the repeal of the Missouri Compromise roused me again. What I have done since is pretty well known.

The early residence of Lincoln in Indiana was sixteen miles north of the Ohio river, on Little Pigeon creek, one and a half miles east of Gentryville, within the present township of Carter. Here his mother died, October 5, 1818, and the next year his father married Mrs. Sallie (Bush) Johnston, of Elizabethtown, Kentucky. She was an affectionate foster-parent, to whom Abraham was indebted for his first encouragement to study. He became an eager reader, and the few books owned in the vicinity were many times perused. He worked frequently for the neighbors as a farm laborer; was for some time clerk in a store at Gentryville, and became famous throughout that region for his athletic powers, his fondness for argument, his inexhaustible fund of humorous anecdote, as well as for mock oratory and the composition of rude satirical verses. In 1828 he made a trading voyage to New Orleans as "bow hand" on a flatboat; removed to Illinois in 1830; helped his father build a log house and clear a farm on the north fork of Sangamon river, ten miles west of Decatur, and was for some time employed in splitting rails for the fences—a fact which was prominently brought forward for a political purpose thirty years later.

In the spring of 1831 he, with two of his relatives, was hired to build a flatboat on the Sangamon river and navigate it to New Orleans. The boat stuck on a milldam and was gotten off with great labor through an ingenious mechanical device, which some years later led to Lincoln's taking out a patent for "an improved method of lifting vessels over shoals." This voyage was memorable for another reason,—the sight of slaves chained, maltreated, and flogged at New Orleans,—which was doubtless the origin of his deep convictions upon the slavery question.

Returning from his voyage, he became a resident for several years of New Salem, a recently settled village on the Sangamon, where he was successively a clerk, grocer, surveyor and postmaster, and acted as pilot to the first steamboat that ascended the Sangamon. Here he studied law, interested himself in local politics after his return from the Black Hawk war, and became known as an effective "stump speaker." The subject of his first political speech was the improvement of the channel of the Sangamon, and the chief ground on which he announced himself (1832) a candidate for the legislature was his advocacy of this popular measure, on which subject his practical experience made him the highest authority. Elected to the legislature in 1834 as a Henry Clay Whig, he rapidly acquired that command of language and that homely but forcible rhetoric which, added to his intimate knowledge of the people from whom he sprang, made him more than a match in debate for his well educated opponents. He was re-elected to the general assembly in 1836, 1838 and 1840, serving four consecutive terms. Admitted to the bar in 1837, he soon established himself at Springfield, where the state capital was located in 1839, largely through his influence;

became a successful pleader in the state, circuit and district courts; married, in 1842, Mary Todd, a lady belonging to a prominent family of Lexington, Kentucky; took an active part in the presidential campaigns of 1840 and 1844, as candidate for elector on the Harrison and Clay tickets, and in 1846 was elected to the United States house of representatives, over the celebrated Peter Cartwright. During his single term in congress he frequently appeared in the debates, and for a new member made a favorable impression as a rising statesman. He voted for the reception of anti-slavery petitions, for the abolition of the slave trade in the District of Columbia, and for the Wilmot Proviso; but was chiefly remembered for the stand he took against the Mexican war. For several years thereafter he took comparatively little interest in politics, but gained a leading position at the Springfield bar. Two or three non-political lectures and a eulogy on Henry Clay (1852) added nothing to his notoriety as a politician.

In 1854 the repeal of the Missouri Compromise by the Kansas-Nebraska act aroused Lincoln from his indifference, and in attacking that measure he had the immense advantage of knowing perfectly well the motives and record of its author, Stephen A. Douglas, of Illinois, then popularly designated as the "Little Giant." The latter came to Springfield in October, 1854, on the occasion of the state fair, to vindicate his policy in the senate, and the "Anti-Nebraska" Whigs remembering that Lincoln had often measured his strength with Douglas in the Illinois legislature and before the Springfield courts, engaged him to make a reply. This speech, in the opinion of those who heard it, was one of the greatest efforts of Lincoln's life,—certainly one of the most effective in his whole career. It took the audience by storm, and from that moment it was felt that Douglas had met his match. Joint discussions were held by the distinguished disputants at Peoria and other points, the effect of which, with the fierce campaign against the repeal of the Missouri Compromise, resulted in the election of an anti-Nebraska legislature, and Lincoln was selected as the anti-Nebraska candidate for the United States senate, to succeed General James Shields, whose term expired March 4, 1855, and led to several ballots; but Lyman Trumbull was ultimately chosen. The second conflict on the soil of Kansas, which Lincoln had predicted, soon began. The result was the disruption of the Whig and the formation of the Republican party. At the Bloomington state convention in 1856, where the new party first assumed form in Illinois, Lincoln made the greatest speech of his life, in which for the first time he took distinctive grounds against slavery in itself. Thenceforth he became the leader of his party in the state.

At the national Republican convention in Philadelphia, June 17, after the nomination of Fremont, Lincoln was put forward by the Illinois delegation for the vice-presidency, and received on the first ballot one hundred ten votes, against two hundred fifty-nine for William L. Dayton. He took a prominent part in the canvass of that year in this and other states. In 1859 Lincoln was unanimously nominated by the Republican state convention as its candidate for the United States senate in place of Douglas, and in his speech of acceptance used the celebrated illustration of a "house divided against itself" on the slavery question, which, while in the resulting argument it was made to conduce to his

final defeat, was so handled as to make impossible the nomination of his opponent as the Democratic candidate for president, which was his objective point. The seven great debates carried on at the principal towns of Illinois between Lincoln and Douglas, as rival senatorial candidates, resulted, at the time, in the election of the latter; but being widely circulated as a campaign document it fixed the attention of the country upon the former as the clearest and most convincing exponent of Republican doctrine.

Early in 1859 he began to be named in Illinois as a suitable Republican candidate for the presidential campaign of the ensuing year, and a political address delivered at the Cooper Institute, New York, February 27, 1860, followed by similar speeches at New Haven, Hartford and elsewhere in New England, first made him known to the eastern states in the light in which he had long been regarded at home. By the Republican state convention, which met at Decatur, Illinois, on the 9th and 10th of May, Lincoln was unanimously endorsed for the presidency. It was on this occasion that two rails, said to have been split by his hands thirty years before, were brought into the convention, and the incident contributed much to his popularity. The national Republican convention at Chicago, after spirited efforts made in favor of Seward, Chase, and Bates, nominated Lincoln for the presidency, with Hannibal Hamlin for vice-president, at the same time adopting a vigorous anti-slavery platform.

The Democratic party having been disorganized and presenting two candidates, Douglas and Breckenridge, and the remnant of the "American" party having put forward John Bell of Tennessee, the Republican victory was an easy one, Lincoln being elected, November 6, by a large plurality, comprehending nearly all the northern states, but none of the southern. The secession of South Carolina and the gulf states was the immediate result, followed a few months later by that of the border slave states, and by the outbreak of the great civil war.

The life of Abraham Lincoln became thenceforth merged in the history of his country. None of the details of the vast conflict which filled the remainder of Lincoln's life can here be given. Narrowly escaping assassination by avoiding Baltimore on his way to the capital, he reached Washington February 23, and was inaugurated president of the United States March 4, 1861.

In his inaugural address he said: "I hold that, in contemplation of universal law and the constitution, the union of these states is perpetual. Perpetuity is implied, is not expressed, in the fundamental laws of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. I therefore consider that in view of the constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the constitution enjoins upon me, that the laws of the United States be extended in all the states. In doing this there need be no bloodshed or violence, and there shall be none unless it be forced upon the national authority. The power conferred to me will be used to hold, occupy and possess the property and places belonging to the government, and to collect the duties and imports; but beyond what may be necessary for these objects there will be no invasion, no

using of force against or among the people anywhere. In your hands, my dissatisfied fellow countrymen, is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it."

He called to his cabinet his principal rivals for the presidential nomination—Seward, Chase, Cameron and Bates; secured the co-operation of the Union Democrats, headed by Douglas; called out seventy-five thousand militia from the several states upon the first tidings of the bombardment of Fort Sumter, April 15th; proclaimed a blockade of the southern ports, April 19; called an extra session of congress for July 4th, from which he asked and obtained four hundred thousand men and four hundred million dollars for the war; placed McClellan at the head of the federal army on General Scott's resignation, October 31; appointed Edwin M. Stanton secretary of war, January 14, 1862, and September 22, 1862, issued a proclamation declaring the freedom of all slaves in the states and parts of states then in rebellion from and after January 1, 1863. This was the crowning act of Lincoln's career—the act by which he will be chiefly known through all future time—and it decided the war.

On the 16th of October, 1863, President Lincoln called for three hundred thousand volunteers to replace those whose term of enlistment had expired; made a celebrated and touching, though brief, address at the dedication of the Gettysburg military cemetery, November 19, 1863; commissioned Ulysses S. Grant lieutenant general and commander in chief of the armies of the United States, March 9, 1864; was re-elected president in November of the same year, by a large majority, over General McClellan, with Andrew Johnson, of Tennessee, as vice-president; delivered a very remarkable address at his second inauguration, March 4, 1865; visited the army before Richmond the same month; entered the capital of the Confederacy the day after its fall, and, upon the surrender of General Robert E. Lee's army, April 9th, was actively engaged in devising generous plans for the reconstruction of the Union, when, on the evening of Good Friday, April 14, he was shot in his box at Ford's theater, Washington, by John Wilkes Booth, a fanatical actor, and expired early on the following morning, April 15th. Almost simultaneously a murderous attack was made upon William H. Seward, secretary of state. At noon on the 15th of April Andrew Johnson assumed the presidency, and active measures were taken which resulted in the death of Booth and the execution of his principal accomplices.

The funeral of President Lincoln was conducted with unexampled solemnity and magnificence. Impressive services were held in Washington, after which the sad procession proceeded over the same route he had traveled four years before from Springfield to Washington. In Philadelphia his body lay in state in Independence Hall, in which he had declared before his first inauguration that "I would sooner be assassinated than to give up the principles of the Declaration of Independence." On the 4th of May he was buried at Oak Ridge cemetery, near Springfield, Illinois, where a monument emblematic of the eman-

cipation of the slaves and the restoration of the Union marks his resting place. The leaders and citizens of the expiring Confederacy expressed genuine indignation at the murder of a generous political adversary. Foreign nations took part in mourning the death of a statesman who had proved himself a true representative of American nationality. The freedmen of the south almost worshiped the memory of their deliverer, and the general sentiment of the great nation he had saved awarded him a place in its affections second only to that held by Washington.

The characteristics of Abraham Lincoln have been familiarly known throughout the civilized world. His tall, gaunt, though not ungainly figure, homely countenance and his shrewd mother wit, shown in his celebrated conversations overflowing in humorous and pointed anecdote, combined with an accurate, intuitive appreciation of the questions of the time, are recognized as forming the best type of a period of American history in which the strength of the Union was tested and the ability of the people to maintain a free government in this country was fully established. As the years roll by from that stormy period of doubt and battle, the name of Lincoln looms up with increasing luster. His was the brain that shaped the policy of congress and cabinet, his the unconquerable spirit which fed the flames of patriotism and kept them in a continuous glow of fervent heat. With unbending will and a prescience which could pierce the future, the path of war was made the way to victory—the union restored, a nation saved. His heart was as warm as his hand was strong, and when the great triumph came his was the voice first to proclaim amnesty and peace.

Judge David Davis, one of the most eminent jurists and statesmen of Illinois, was born on the 9th day of March, 1815, in Cecil county, Maryland. His family was of Welsh origin, but had been settled in that county for more than a century, and had acquired in every particular the distinctive features of American nationality. He was unfortunate in the loss of his father at an early age; but the kindness of an uncle in many ways atoned in some measure for his early privation. His father left sufficient estate not only to educate him in classical acquirements but also enough to enable him to live beyond the apprehension of want during the years of unproductive life in the early career of manhood. This patrimony was, through the dishonesty and negligence of his guardian, lost to him.

Having attended the local schools of Maryland, at the age of thirteen he was entered a student at Kenyon College, Ohio, at which he graduated at the age of seventeen. Although he had no special talent for public speaking, his taste and inclination directed his attention to the bar as the business of life. As has been said, he had sufficient means to enable him to acquire an education and profession. He was not borne down by the privations of poverty, nor was he enervated by the expectation of hereditary riches. The lines had fallen to him in the golden mean between want and wealth. After leaving college he went to Lenox, Massachusetts, and read law in the office of Judge Henry W. Bishop, then one of the leading lawyers of the Bay state. After remaining there about two years he attended the New Haven Law School for one year. With a good

classical education, a course of reading in the office of Judge Bishop, and a term at New Haven, he was fully prepared to enter upon the responsible and arduous duties of a practicing lawyer.

His residence in Ohio, and other information, impressed on his mind the magnitude of the resources of the Mississippi valley, especially the northwest; and, on being admitted to the bar, he emigrated, in the year 1835, to Illinois. It has been said: "At the time he sought his home in the west, as a very young man, he traversed the breadth of nearly five states, then in comparative infancy, that he might grow with the growth and strengthen with the strength of that commonwealth which has so honored him by its confidence, and whose history his name has enriched in the example of a great character." He first located at Pekin, but after a short time, in 1836, he removed to Bloomington, which for a period of fifty years was his home.

In 1838 he was married to Miss Sarah W. Walker, daughter of Judge William P. Walker, of Lenox, Massachusetts. She was well worthy to be the wife of Judge Davis, and shared with him the privations of his early struggles and the prosperity of his later triumphs with all the grace and dignity that is born of the beauty of goodness. The Judge, on coming to the years of responsible life, followed the hereditary tendency of his family in politics and became an ardent Whig. He had a great admiration for Mr. Clay, which amounted to an enthusiasm. In 1840 he was the Whig candidate in the Bloomington district for state senator; but, the majority being largely against his party, he was defeated by Governor John Moore, then and for many years afterward one of the most popular Democrats of the state. While the Judge was active in politics, he did not permit his party to interfere with his practice. He was most diligent in, and devoted to, his profession. Shortly after his coming to the bar he was offered the position of clerk of the court, in which office he could make four times his income from his practice; but he declined, having no doubt the inspiration of that hope which, in the end of his career, placed him among the most distinguished jurists of the United States. Daniel Webster had the same experience with a clerkship in the commencement of his career as a lawyer, and disposed of it in the same way, much to the disgust and disappointment of his father.

In 1844 Judge Davis was elected to the lower house of the Illinois legislature, and distinguished himself by the clearness and accuracy of his views of the law, and his great capacity of labor in the committee room. He declined a re-nomination. Although pronounced in his political opinions, he was not a politician. He delighted in the practice of the law and the acquirement of that information which would enable him to discharge the higher functions of judge. During the time of his practice the bar of central Illinois was very able, and afterward became most distinguished. Among the prominent lawyers were Mr. Lincoln, Judge Logan, Judge Douglas, Colonel Baker—one of the most brilliant orators of his day—Judge Trumbull, Major Stuart, Mr. Browning and Colonel Hardin. It would be untrue, and therefore unjust to the memory of Judge Davis to rank him with some of those men as a practicing lawyer. He always disclaimed the comparison, and an honest chronicler should disclaim it for him.

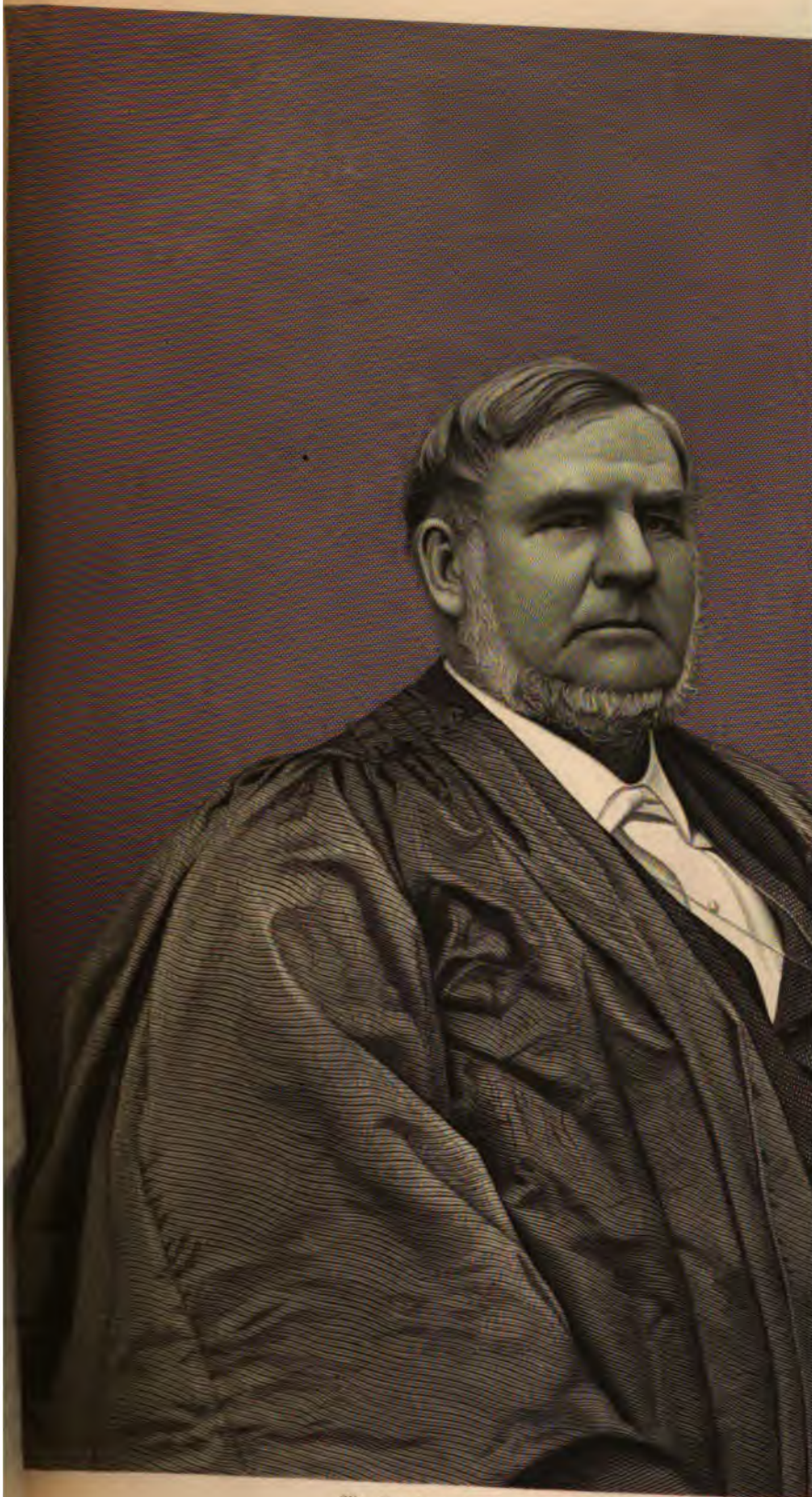
THE FENCH AND BAR OF ILLINOIS.

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David Davis.



THE BENCH AND BAR OF ILLINOIS

The profession of the law had to him a wider range than that of a barrister. Nature had made him a judge by the same mystic it had made others advocates; and while he was not to wear the judicial robe, he was to be graced by the beauty of the ermine. While a judge, he had a judicial cast of mind, and his career as a lawyer marks the duty of the truly professional in the economy of society.

In 1847 he was elected to the constitutional convention of 1848, and he bore a very important part, especially in providing for, and establishing, the judicial department. During his legislative career he was conspicuous in his efforts to remodel and improve the machinery of both the state and national governments. The federal appellate jurisdiction is modeled on the plan proposed by a member of the senate of the United States, and which passed by marked unanimity. At the time of the adoption of the constitution he had been at the bar about twelve years, and during that time he had given his attention to the practice, and had impressed upon the public and the people of central Illinois the fact that he was most qualified for the bench. At the first election of judges, without opposition, he was elected to a circuit composed of fourteen counties, embracing McLean County. At the time he became identified with the bar of Illinois, he was struggling in the commencement of that career which was to become so conspicuous in the ranks of the profession but marked him as a man of history. Between him and Judge Davis, from their first meeting to the close of Mr. Lincoln's life, a most cordial intimacy existed. Of that unerring judgment which enabled the judge to pass upon the merits of men, he discerned in Mr. Lincoln intellectual and moral attributes in the best order.

After he became judge Mr. Lincoln continued to travel the circuit in all the counties of the circuit, and contributing by his ability to the administration of justice, and to the social enjoyment of the people, humor unsurpassed in the richness of its merriment. In 1850 the circuit had not been broken by the survey of a railroad, and he continued with Judge Davis to hold two sessions of the court in each year in the largest counties of the state. The clearness and quickness of his preparatory education, both literary and professional, and his capacity capacitated him to discharge with promptness the various and arduous duties of his position. In some of the qualities of a judge he had been in the long line of judicial ability with which our history is so graciously graced. The important duty of a judge is not all performed in the application of the just principles of the law; these can be applied in the majority of cases, from vast storehouses of jurisprudence, to the most common and America, the eminent judges and lawyers have contributed to the truth, to eliminate error and to adjust the rights of parties. What they really exist, is the exercise of a faculty that cannot be directed by any cases. The preservation of estates and the protection of individuals.

incompetency or dishonesty of guardians, and the rapacity of unscrupulous speculators, marked one of his peculiar traits as a circuit judge. His faithfulness in behalf of the trust estate of wards may have been strengthened by his own experience, the estate inherited from his father having been squandered by an unscrupulous and irresponsible guardian. He had great faith in the ultimate value of Illinois land, and it required a very urgent necessity to justify the sale of an infant's real estate. His administration of the law in the circuit court was most eminently satisfactory to the people and the bar. But few appeals were taken from his decisions, and his dispatch of the public business was a marvel of efficiency and industry. He was a natural-born judge, and while he was not tyrannical he forcibly exercised power to accomplish the ends of justice.

After his election as judge in 1848 he ceased any active agency in politics, but continued his adhesion to the Whig party until its disruption after the disastrous campaign of 1852. Although anti-slavery in his thought and feeling, he disliked the radical tendency of the Abolitionists. In the campaign of 1858 he took a great interest, being opposed to the repeal of the Missouri Compromise and a devoted friend of Mr. Lincoln. Mr. Lincoln and Judge Douglas had been the great champions of the Whig and Democratic parties; and, aside from Judge Davis' personal attachment to Mr. Lincoln, he was interested in him as the great leader of the opposition to the Democratic party. Mr. Lincoln, though defeated for United States senator, laid the foundation in 1858 for his election to the presidency. Upon his great success in the joint debates of that year Judge Davis, in common with the rest of Mr. Lincoln's personal friends in Illinois, enlarged the boundaries of his ambition, and from that time he was an avowed candidate for the presidency. In that candidacy Judge Davis took a lively interest and bore a most distinguished part. He thought that the aspirations of his most intimate friend for the highest office in the land justified his participation in politics. The national convention of the Republicans met in Chicago on the 16th day of May, 1860, and to that convention he was one of the delegates at large. He was so much devoted to the interest of Mr. Lincoln that he could not absent himself from the convention, and besides it was Mr. Lincoln's personal desire that he should attend. This was the first great convention held by the Republican party, and had before it as candidates the most distinguished statesmen of that party, and of its delegates the ablest members and the most accomplished politicians. Judge Davis, from the commencement to the close, was recognized as the leader of Mr. Lincoln's forces; and without his agency in that convention it may be doubted whether Mr. Lincoln would have received the nomination. In his adhesion to that great man he was not actuated by his personal friendship, but by an abiding faith in the ability and integrity of the man. While he had no apprehension that the election of a Republican as president would involve the country in a war, he thought that the grave responsibility that would fall upon the choice of that party would require ability of the highest order and patriotism of the most heroic mold. He took a great interest in the campaign which followed the nomination, but did not participate in it as an

active politician. He continued to hold the circuit court uninterruptedly until the autumn of 1862.

During the first year of the war the Department of the Missouri, through the inefficient administration of the quartermaster, became a chaos of confusion, with millions of money contracted and claimed, with honest demands delayed and dishonest claims pressed for payment. The president, in order to relieve the embarrassment of the situation, appointed a commission, consisting of Judge Davis, General Holt and Mr. Campbell, of St. Louis, to investigate and pass judgment upon the rights of the parties. It was an immense work of investigation and required the highest grade of talent to bring order and justice out of the confusion. The three men as a combination had the best quality of ability for the task, Judge Davis and General Holt being eminent lawyers, and Mr. Campbell being one of the most experienced merchants of St. Louis. The findings and reports of that commission have been quoted by the highest courts of the land, and the result accomplished by it is an enduring compliment to the integrity and capacity of the men who composed it.

During the fourteen years in which Judge Davis presided in the circuit of Illinois the popular estimate which the bar and the people had made of his ability to perform the duties was justified beyond the most sanguine expectations of his friends, so that when a vacancy occurred in the supreme court of the United States in the circuit including the state of Illinois, he was recognized by the bar as the person to be appointed to that responsible position. The president had an acquaintance with all the prominent lawyers of the circuit, and had the most intimate knowledge of the ability of Judge Davis; and into his hands, by the constitution, was committed the power and duty of selecting from those lawyers a fit justice for the most important court ever instituted by man. In the quality of Washington, which in the selection of a public officer arose superior to the obligation of personal friendship, President Lincoln, as shown by his administration, was not deficient; and it must be presumed that in the selection of Judge Davis, as one of the justices of the United States supreme court, the public good and a just regard for the exigencies of the condition of the country prompted him. After a service of fourteen years on the circuit bench of Illinois, he was, in November, 1862, transferred to the higher jurisdiction of the national judiciary. He had not been accustomed to the accuracy of judicial thought required in the preparation of written opinions, but had most thoroughly investigated and studied the law in all the leading features of its administration. At the time he became a member of the supreme court it was composed of some of the ablest judges of its entire history. The promotion was well calculated to embarrass him with grave apprehensions of his success; for while he was a brave and fearless man when boldness was a virtue he had a modest appreciation of his own ability. His opinions when deliberately formed, though firm, while in the process of development were susceptible to every legitimate and logical influence. At the time he became a member of the supreme court many questions of importance were pending—questions not of property, not of individual reputation—but great questions of international and public law, questions of civil lib-

erty—not in the interpretation of statutes but in the construction of the constitution of the United States.

He was eminently conservative in the tendency of his mind and judgment; and while he did not coincide with many of the theories of constitutional construction in favor of a strong government, he believed in the sovereignty of the federal power in the passage and execution of such laws as it might determine were within the purview of the constitution. He believed in that theory of the constitution which recognized the union not as a mere compact between the states, but as a government formed upon the adoption of the people and creating direct relations between itself and the citizens. In the discharge of his new duty as a justice of the supreme court he soon impressed his brethren of the bench with his superior judicial qualification; and he wrote but few opinions until the American bar was satisfied that the president had made no mistake in his selection of a judge.

The period of the war was prolific in forcing upon the consideration of all departments of the government new issues of legal inquiry. The financial policy of the government, the belligerent rights of enemies, questions of personal liberty, military commissions, questions of prize—in fact, all the interests of fifty millions of people, both of peace and war, were the subject matter of jurisdiction from 1862 to 1877. One of the most important cases of the period was assigned to him—a case which excited great public interest and provoked much popular discussion. The matter at issue being a question of individual liberty, and the power of the government in time of war, made it one of the great historical cases, ranking in importance with *Marbury versus Madison*, and the *Dartmouth College* case. It was the case of *ex parte Milligan*; and an examination of it will justify the resolution of the McLean county bar, "That we do most especially appreciate, as fine specimens of judicial statement, his opinions, which embrace a discussion of the genius and mold of the American government, and recognize those opinions as worthy of a place among the great judicial interpretations of the American constitution." The leading thoughts of the decision are: "The constitution of the United States is a law for rulers and people in war and in peace, and covers with the shield of its protection all classes of men, and at all times and under all circumstances. The government within the constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to overthrow it. It will be seen by an examination of the reports containing his opinions that he fearlessly followed the dictates of an honest judgment, regardless of what might be the prejudice or passion of the hour; and, whether his reason was on one side or the other of the line of popular clamor, he followed the logic of his convictions."

After the close of the war many cases came before the supreme court involving the constitutionality of the legal-tender acts of congress. In the case of *Hepburn versus Griswold* a majority of the court held that "there is in the constitution no express grant of legislative power to make any description of credit currency a legal tender in payment of debt." The effect of this decision

was to invalidate by judicial decision one of the most important acts of the government in the prosecution of the war, and to disturb the business of the country, by making nothing but coin applicable to the payment of debts contracted before the passage of the acts of congress providing for the issue of treasury notes. From that decision Judge Davis, with Judges Swayne and Miller, dissented. In a short time after the promulgation of this decision other cases reached the supreme court involving the same question; and in what is known as the "legal-tender cases" the court reversed the decision of Hepburn versus Griswold by holding that "the acts of congress known as the legal-tender acts are constitutional when applied to contracts made before their passage, and are also applicable to contracts made since." The last decision was made by a divided court, Judge Davis holding with the majority that congress had the power to pass the legal-tender acts of 1862 and 1863. Mr. Choate, with the wand of his genius, has marked with beautiful accuracy the perfect judge: "He shall know nothing about the parties; everything about the case. He shall do everything for justice, nothing for himself, nothing for his patrons, nothing for his sovereign. If on one side are the executive power and the legislature and the people—the source of his honors, the givers of his daily bread—and on the other side an individual, nameless and odious, his eye is to see neither great nor small, attending only to the trepidations of the balance. Give to the community such a judge and I care little who makes the rest of the constitution or what party administers it; it will be a free government." To this high ideal Judge Davis attained.

Although he had not participated in politics since the convention of 1860, in January, 1872, the Labor Reform party nominated him for the presidency. Owing to the dissatisfaction in the Republican party the liberal movement was inaugurated in the early part of 1872, which culminated in a convention in May; and to that convention his name was submitted as a candidate. Illinois was divided between Judge Davis and Senator Trumbull, which destroyed the chances of both. The friends of Judge Davis were largely in the majority, but there being no state convention held in Illinois the question had to be settled by an equal division of the delegation. The result of the convention was the nomination of Mr. Greeley and the memorable campaign of 1872. In the election of 1876, in Illinois neither of the great parties secured a majority of the legislature, and the balance of power was held by the independent party which nominated Judge Davis as its candidate for the United States senate. General Logan was the nominee for the Republican party, and various persons were supported by the Democracy. After a contest lasting from the first of January until the first of March, the Democracy united with the Independents and elected the Judge a senator from the 4th of March, 1877. The honor was unsolicited on his part, and no effort was made by him to influence the choice of the legislature. He did not exchange the court for the senate because he preferred the dignity and duty of the latter, but because the legislature tendered him the place, and under all the circumstances he did not feel at liberty to decline.

His career as judge commenced in 1848 and ended in 1877, making a con-

tinuous service of twenty-nine years of judicial labor. Upon his retirement his brethren of the bench left upon the records of the court an enduring memorial of his many virtues, as shown by correspondence. On the 5th of March, 1877, he addressed his brethren of the court as follows:

"My official connection with the supreme court of the United States closes to-day. Having passed all the years of my active life at the bar or on the bench, it is not without serious misgivings that I enter upon a new sphere of public service; but I have not felt at liberty to decline a seat in the senate, with which I have been honored by the general assembly of the state of Illinois. Having severed the relations which have existed between us for so many years, I beg leave to bear my testimony to the eminent learning, ability and integrity which have characterized your judicial labors. From the organization of the government the supreme court has been composed of able and upright judges. In my judgment, it is now as worthy of the confidence of the American people as it ever has been at any period of its history. Since I was invited to its councils by President Lincoln six of its members have been numbered with the dead. I take great satisfaction in the reflection that my relations with them and all my associates have been uniformly kind and cordial. In offering you my parting salutations, I beg you to be assured of the respect and sincere good wishes with which I remain your friend and servant."

To the above the court, by letter, replied:

"We have received with sincere regret your letter announcing that your official connection with us is closed. During the fifteen years in which you have been a member of this court questions of the gravest character have come before it for adjudication, and you have borne your full share of the labor and responsibility which their decision involved. We shall miss you in the conference room, your wise judgment and your just appreciation of facts; in the reception room, your kind and courteous greetings. With the hope that your life in the future may be as useful as it has been in the past, and that the ties of personal friendship which now bind us so closely to you may never be broken, we subscribe ourselves very sincerely your friends."

While he had but little legislative experience when he became a member of the senate, he at once took a position among the leaders of that distinguished body, serving on the judiciary committee with Edmunds, Conkling, Thurman, Garland, Carpenter and other great lawyers of the American senate. He served as acting vice-president for nearly two years, and with but little experience in the technical knowledge of parliamentary law he decided every question that came before the senate without submission, and never was reversed by the action of the senate. In the senate, as in every other situation, he commanded the respect and confidence of his associates, and retired from that body at the end of his term to enjoy the ease and comfort of private life. As a member of the judiciary committee he performed faithful service in shaping the legislation of congress during the entire term of his office.

In November, 1879, less than two years after his election, Mrs. Davis, who had been in delicate health for some time, died at her old home in Massachusetts,

leaving after her the memory of many acts of kindness in alleviating the wants of the poor, both in Washington and the city in which she lived for nearly half a century. In March, 1883, upon the expiration of his term as senator, he was married to Miss Adeline Burr, of Fayetteville, North Carolina, a lady of many accomplishments, and fitted in every respect for the high social position which she occupied as the wife of Judge Davis.

After his retirement from the senate he devoted his attention to private business, which, on account of his extensive property, was large and exacting. As he approached the age of seventy the vigor of his constitution and the vivacity of his spirits became much impaired by the encroachments of disease; on the 26th of June, 1886, after an illness of several months, he passed the mysterious change of death. At the time of his illness, though retired from public life, men of all creeds and of all parties anxiously hoped for his restoration to health and vigor. As a public man he had filled no ordinary space in the affections of the people, and in the appreciation of personal friendship throughout the length and breadth of a land made better and happier by the goodness and greatness of his character. He left surviving as children Mr. George Perrin Davis and Mrs. Sarah D. Swayne to perpetuate the worth of a life rich in the goodness of duty performed. Nature and education had stamped upon him every lineament of gentility. Though he was wealthy, fortune-making was not a passion of his life. He loved thrift, independence and possession, but mere wealth had no allurements for him. He served the state as a judge at a nominal salary, to the great sacrifice of his pecuniary interests, and his whole life was devoted to the public service to the detriment of his private fortune. His life was a success, not accidental but deserved. He approached the ladder of fortune and fame, and placed his feet on every round on which he stood as the result of his own labor and merit. If he had opportunity, he created it; if he had success, he achieved it; if he had victory, he won it. He produced the conditions of his own advancement. He filled three-score and ten years with goodness and crowned them with greatness. He commanded the respect of his fellow-citizens of all sections and of all parties, and, in the language of Judge Kelley, "he is well known to the country by his career as an independent senator and a learned and conscientious justice of the supreme court of the United States."

Shelby M. Cullom was born in Wayne county, Kentucky, November 22, 1829, and within the following year his parents removed to Illinois, settling in Tazewell county, where they passed the residue of their days and where they now sleep the sleep of the just. The father, Richard Northcraft Cullom, was for many years a leading citizen of Illinois and was well known by all the prominent men of his time throughout the state. He was a member of the state legislature several times and was a close friend of Abraham Lincoln, Stephen T. Logan, John T. Stuart, Benjamin S. Edwards and other representative Whig politicians and lawyers, his identification with the old Whig party being a very active and intimate one from the time of its inception.

The son of a farmer, our subject became early accustomed to the hardy but

plain fare and the laborious duties attaching to farm life, the discipline being a valuable one during the formative period of his life. In those days educational facilities in the newer western states were very limited in scope. Young Cullom had early in life decided to adopt the law as his chosen profession, and so realized the necessity of a broader and more liberal education than the country schools afforded. His ambition and determination soon led him to the practical consultation of ways and means: he prevailed upon his father to lend him a team of oxen and a plow, and with this primitive equipment he began the battle of life on his own responsibility, engaging for several months in breaking prairie at two dollars per acre. He then taught a country school for six months, and the money thus earned enabled him to attend school at Rock River Seminary, Illinois, for two years. He was an assiduous student, and the magnificent physical strength which he had attained by following the plow and swinging the ax came into great use as the mental portion of his system was called upon for its most vigorous work. After returning from school he went to Springfield, Illinois, and there began the study of law, entering the office of Messrs. Stuart & Edwards, who constituted one of the strongest and best known law firms of that place and period.

In 1855, two years after he began his legal studies, Mr. Cullom was admitted to the bar and immediately thereafter came to him his first official preferment, that of city attorney of Springfield. It was a year of excitement on the temperance question; the city had passed ordinances prohibiting the sale of liquor, and young Cullom did all in his power to enforce the laws, proving quite successful in his prosecutions. He soon, however, entered upon a broader field of practice, finding in the circuit court a higher plane for the exercise of his talents, and meeting here, as antagonists, some of the foremost practitioners of the day. As a lawyer his presentation of a case was always logical and concise. In judgment he showed himself to be keen and accurate, with that judicial ability which implied intuitive wisdom. He soon gained a lucrative practice, and had he seen fit to remain in private life he might to-day have been counted among the men of wealth, instead of one who has in a measure sacrificed personal ambition for the purpose of rendering service to the public.

In 1856 he was nominated and elected a member of the house of representatives in the state legislature, was re-elected in 1860 and was chosen speaker. Cullom had always been strongly arrayed in the support of the Republican party, but his second election came, notwithstanding the differences in political creed between himself and a majority of his constituents in Sangamon county, thus showing that his services as a legislator had been appreciated and that as a man he was held in highest estimation. At the election in 1860 the county gave the Douglas electors a small majority, but such was Cullom's personal popularity that he was elected to the house by a majority of sixty-two votes. The Republicans being now, for the first time, in the majority in the legislature, he was chosen speaker and upon him fell the honor of being the youngest man upon whom this responsible position has been conferred in the state. In 1862 President Lincoln, who was a warm personal friend of our subject, appointed him a commis-

THE BENCH AND BAR OF ILLINOIS

sioner to pass upon the accounts of quartermasters and a trust of more importance than is indicated by a superior which demanded the exercise of discriminating care and a reliable report which was in due time presented shows the manner in which the incidental duties were performed. In the same year came a candidate for the state senate, but the feeling in his favor at this crucial period and so opposed to the war that natural ally of a party pledged to its prosecution, he was defeated. He was elected by the Republicans of the old eighth district for the popular branch of congress, his opponent being one of his friends, Hon. John T. Stuart. Two years later he was re-elected to congress again in 1868, on which occasion he found as his antagonist Edwards, his other preceptor, who likewise met defeat at the polls. Mr. Cullom entered into the national congress during the period of reconstruction when the best thoughts of the ablest men were brought into constant requisition in the effort to effect many perplexing questions that presented themselves. The fact that he was an active and aggressive member, even though he shared in the debates, the while maintaining a conservative opinion adequately fortified. Within his last term in the senate he was chairman of the committee on territories, and prepared a bill for the prohibition of polygamy in Utah territory, which passed the house but was defeated in the senate. This bill became the practical basis of subsequent legislation of which has destroyed the institution of polygamy.

After returning from congress Mr. Cullom was urged to enter the state legislature and thus to aid in insuring what was an imperative measure, the revision of the laws of the state, and an effective co-operation in retaining the capital at Springfield for its removal having been in progress for several years. He did not become a candidate and was again elected to the lower house of the legislature, once more chosen speaker by his party colleagues, who were in the majority. Nothing further was heard of the project for the removal of the capital. The legislature undertook and completed the most effective revision of the laws has perhaps ever been made in the state. In 1874 our subject was again elected representative of his county in the assembly and was chosen speaker of his party for speaker, but was defeated, owing to a split between the Democratic and independent members of the house. The session became notorious as the "Haines legislature," which has passed the worst laws the state ever had.

It was at this juncture that the friends of Mr. Cullom began to look to his name in connection with the candidacy for governor of the state for which he was admirably fitted, by reason of his distinctive experience in public affairs. In 1876, accordingly, he received the support at the Republican state convention and was elected as governor. He combined the forces of the Democrats and independents, the same coalition

year before defeated him for the speakership. His administration as governor of Illinois was highly satisfactory to the people of the state, whose affairs were never in better condition than when he retired from office. At the end of his term not a word could be urged against his executive policy, even by his political adversaries, and he was elected to serve a second consecutive term,—the first instance of the sort in the history of the state. Within the period of his administration the last of the state debt was paid, as an example of the economic and judicious policies which the executive had insisted upon.

In March, 1883, by the expiration of the term of United States Senator David Davis, there came up the matter of electing his successor, and though Governor Cullom was at this time but half way through his second term the Republican caucus of the thirty-third general assembly nominated him to represent the state in the national senate and he was duly elected. Mr. Cullom resigned his office as governor in February, 1883, and his career as senator began March 4th of the same year. At the expiration of his first term, in 1889, he was re-elected, and in January, 1895, he was again elected, for a third term, which expires March 4, 1901.

As senator it is said that, before he took his seat, he determined to do all in his power to accomplish three things: first, to prevail on the government to construct the waterway known as the Hennepin canal, connecting the upper Mississippi river with the great lakes at Chicago; second, to bend every effort to carry forward to successful issue that endeavor which had enlisted his attention while a member of the lower house,—the abolition of polygamy in Utah; and third, to vitalize the commercial clause of the constitution by an act of congress, "regulating commerce among the several states," etc., etc. What better criticism of his efforts can be offered than this: polygamy has been obliterated and Utah has been admitted into the Union as a state; the Hennepin canal is being constructed; and an act of congress was passed in 1887 known as the Cullom act, "regulating commerce among the several states." It is in connection with the last and most important measure of this notable list that Senator Cullom has become most distinguished as a legislator. He was at the head of a committee which made an exhaustive investigation of the condition of interstate commerce as conducted by the common carriers of the country and which finally brought about the passage of the act already mentioned. This, the Cullom act, which was approved in 1887, is regarded by very many of the ablest men of the country as the most important measure which has been enacted since the close of the war.

No man has ever represented Illinois, either as a member of the state legislature, as a representative in the lower house of congress, as governor of the state, or as a United States senator, who has been more faithful to the trust reposed in him by the people. His mental characteristics are of the solid and practical rather than of the ostentatious and brilliant order. He is essentially strong in intellect and capable of reaching safe, reasonable and prudent conclusions.

In December, 1855, at Springfield, Illinois, was consummated the marriage of Senator Cullom to Miss Hanna M. Fisher, who died in 1861, leaving two

little daughters, Ella and Catherine. Ella became the wife of William Barrett Ridgely, of Springfield. Catherine married Robert Gordon Hardie, an artist of distinction in New York. Her untimely demise occurred May 17, 1894. Some years after the death of his first wife Mr. Cullom married her younger sister, Miss Julia Fisher. Two children were born of this union, but both died in infancy.

George Manierre, statesman, journalist, lawyer, and jurist, came to Chicago at the age of eighteen and died at forty-six, but in the intervening period made his impress on the destiny of the city, state and nation; led in the work of the emancipation of slaves, determined and established great principles of law, aided public education, and in a thousand ways benefited humanity. He was born in New London, Connecticut, in 1817, of Norman-French descent. The father died in 1831, and his widow, with her children, removed to New York. It was necessary for the boys to work, and George found a place in a banker's office, which he soon gave up. He became a student of law under the direction of Judge John Brinckerhoff, in New York city, and in 1835 he came to Chicago. He found a place in the law office of Grant & Peyton, with whom he continued his studies until the firm dissolved, when he was fortunate enough to secure the friendship and mentorship of Jonathan Young Scammon. In 1839 he was admitted to the bar. Upon the resignation of Mr. Scammon he was installed as deputy clerk of the circuit court, and later was appointed master in chancery. In 1840 he formed a law partnership with George Meeker and took up the regular practice of the profession. In 1841 he entered upon his historic service as city attorney, during which he prepared a digest of Chicago's original charter and the municipal ordinances which was the standard of authority until 1853. He served two terms in this office. He performed the duties of school commissioner from 1844 to 1852, and in 1846 consented to be alderman from the first ward that he might the better work out some changes in the school ordinances. In 1849 he was appointed sole master in chancery for Cook county and held that office until, in 1855, he was elected judge of the circuit court for the Chicago district, then embracing Cook and Lake counties, and he was re-elected without opposition in 1861. He died four years before his second term would have expired.

Such is the bare record of his rise in two decades from a boy, poor and unknown, to the bench of one of the most important courts of his day, to which he was elevated at the age of thirty-eight. While it is true that Mr. Manierre achieved his greatest distinction as a judge, it is not less true that the years he lived before he attained that high station were full of interest and instinct with influence upon his life and his time.

The ability with which he made a digest of the municipal charter and ordinances has been referred to. Shortly after his admission to the bar he assumed editorial charge of the Chicago Democrat and he imparted to the paper a terseness and vigor of expression, joined to a breadth of comprehension, rarely to be found in a political journal. He was one of the founders of the Chicago Historical Society and one of its life members. Of the Chicago Lyceum, the oldest

literary society in the city, he was secretary, and of its successor, the Young Men's Association, he became president. He was also one of the founders of the Law Institute and library. His tastes were all literary, and when he became a lawyer America was deprived of an able author and journalist. The Manierre School, on the north side, is but a deserved monument to his long and useful devotion to the cause of public education in Chicago. He was a member of the first board of regents of the Chicago University, in 1859, and held the office at the time of his death, and he was conspicuous in about every movement for the public welfare from 1836 to 1863. His part in the establishment of Lincoln park should alone endear him to every loyal Chicagoan.

A Democrat politically, Judge Manierre was yet an ardent champion of the Free Soil idea. As early as 1848 he endorsed a vigorous appeal to his own party against the extension of slavery. He gave to fugitive slaves seeking freedom in Canada his sympathy, his money and his professional counsel as they might require one or more of them. At the historic Aurora convention, held September 19, 1854, as chairman of the committee on resolutions, Judge Manierre presented the party platform and recommended the adoption of the name "Republican." From that time until, in 1860, Mr. Lincoln's election was effected on an anti-slavery platform, George Manierre never faltered or wearied in the work he had cut out for himself. Personally he cared not whether he had led or followed, so that he worked unceasingly to the end desired, but from his very nature he was made a leader by others who needed the directing force of his honest, liberty-loving character. That was the last presidential campaign in which he lived to participate. He assisted in bringing the Republican party into being and officiated at its christening. He watched it during its infancy, fostered its rapid development, and lived to see the first vigorous, irresistible triumph of its maturity. But he was not permitted to live to see treason discomfited and human bondage stamped out in America.

As truly as the designation may apply to any lawyer who ever lived in Chicago, George Manierre was a great lawyer. So finely constituted, so thoroughly equipped, so spirited a man could scarcely have stopped short of that. Every old member of the bar remembers how completely he always commanded the respect of judges, lawyers, and juries. But if he gave satisfaction as a lawyer far beyond most of his contemporaries he compelled even greater admiration as a judge. His findings were usually unassailable, and as contrary to the practice common to judges, he wrote them out, many of them have been taken as authority by writers of text books. Though not a long one, his judicial career was an exceptionally brilliant and creditable one, and its lasting usefulness is apparent in the fact that his important findings were all conceded to be error-proof and were taken by compilers of law books as final and binding interpretations of the law involved in each case. He loved humanity and human rights too well ever to have been wilfully unfair in any ruling, and his accurate knowledge and magnificent judgment were as nearly proof against error as is possible to a man. His absolute fearlessness of public opinion was apparent in his every action. Is it right, and will it be for the good of the country and of man? were his only questions when considering what course he should pursue. His fervent

patriotism and love of liberty will be honored when the names of mere partisans shall be recalled only to scorn.

Judge Manierre was married, in 1841, to Miss Ann Hamilton Reid, daughter of William Reid, barrister, of Glasgow, Scotland, who, with four sons,—George, William R., Edward, and Benjamin Manierre survived him. The close confinement to which he was subjected by a long and exacting trial superinduced the attack of typhoid fever which terminated his career May 21, 1863.

Isaac N. Arnold.—Shortly after the death of this distinguished citizen of Chicago Hon. E. B. Washburne, in a feeling of tribute to his memory delivered before the Historical Society, thus briefly pictured Mr. Arnold's career: "During all the active years of a long and well spent life Mr. Arnold has been a citizen of Chicago, contributing, by his indefatigable industry, his patriotism, his public spirit, his rare abilities, his great acquirements, his spotless moral character, his high social qualifications and instincts as a thorough gentleman, to give luster to the city of his residence and to the generation to which he belonged. A successful lawyer that stood in the front rank of his profession; a cautious, far-seeing and wise legislator, distinguishing himself in the halls of legislation, national as well as state; a successful public speaker and a writer of great power and widespread popularity, he has left to the generations that succeed him the legacy of a noble example and a noble name."

Mr. Arnold was born in Otsego county, New York. His father, George Washington Arnold, was a physician in good standing. He was descended from those Arnolds early in New England, some of whom were associated with Roger Williams and others in founding the colony of Rhode Island. The spirit which prevailed in that glorious little republic in those days descended to Isaac Newton Arnold and made him a general of those who struggled not alone for religious liberty, but for liberty of intellect and liberty of person; for it is a part of our legislative history that on the 15th of February, 1864, this man introduced in congress a resolution declaring that the federal constitution should be so amended as to abolish slavery in the United States—the first step ever taken in congress in favor of the abolition and prevention of human bondage in this country.

Among the hills and vales of Otsego county, that lovely region made famous by the residence and romance of Cooper, Mr. Arnold passed his boyhood. He was a mere boy when he learned in the hard school of experience how terrible is the struggle for existence and for the knowledge which alone is power. It would be interesting to trace his progress, step by step, as he worked his way through the public schools and through the village academy, but it is of Isaac N. Arnold the man, not Isaac N. Arnold the boy, that these pages have to do—the Isaac N. Arnold of Chicago, of Illinois, and of the nation.

From the time he was seventeen until he was twenty he taught school one-half of each year, in order to maintain himself and attend school the other half, and thought himself fortunate to be able to accomplish so much. Then, entering the law offices of Richard Cooper and Judge Morehouse, at Cooperstown, he took up the study of law and pursued it with such success that in 1835, at

the age of twenty-two, he was admitted to the bar. For a short time he practiced as a partner with Judge Morehouse, but in 1836 he came to Chicago and entered upon that career which was to rank him before its close as one of the most distinguished jurists of this country. For more than thirty years he stood at the head of the Chicago bar. Always painstaking in the preparation of his cases and thoroughly well informed, by diligent and unremitting study, he was a powerful advocate, both before the court and before the jury, and it has been said of him that "in that persuasive style of address which tells most effectively upon the average juror he had no superior." To give any account of the important cases in which he appeared from time to time would be practically to write the history of this bar for more than a quarter of a century. On the 9th of December, 1841, somewhat more than five years after he came to Chicago, he was admitted to practice at the bar of the supreme court of Illinois, and from that time until his retirement he was a conspicuous figure, and his name was familiar in all the courts of the state.

It was in 1843 that Chief Justice Taney, of the supreme court of the United States, handed down a decision affirming the unconstitutionality of the then existing state law, providing, among other things, that unless the property of a judgment debtor should realize two-thirds of its appraised value it should not be sold under execution. The law thus condemned and ultimately erased from the statute books of the state had enabled unscrupulous persons to evade the payment of their debts, and had been planned and passed in the interest of an unprincipled class by an unprincipled legislature. Mr. Arnold had been elected to the lower house of the Illinois general assembly in 1842, and had become known as a determined opponent of a policy so disgraceful to the state and detrimental to the credit of the people. His attitude led to his being employed to enforce the claim of a New York judgment creditor against a debtor. When the case was carried, finally, to the United States supreme court, he submitted an able and convincing written argument in support of his position, which was sustained by Mr. Taney in one of the most elaborate opinions ever delivered in that court. Thus, more than fifty years ago, he conferred upon the people of the state a benefit which, had he no other claim upon their gratitude, would richly entitle him to a place in history.

In 1844 he was again elected to the lower house of the Illinois general assembly, which then embraced men of ability and distinction, among whom Mr. Arnold was conspicuous, not alone for learning and efficiency, but for force of character and an innate honesty that made him the people's true and faithful servant and a watchman and guardian of all public interests. In 1846 he retired from public life, and during the ensuing ten years devoted himself to the practice of his profession. During this period he held only one official position, that of presidential elector on the Polk ticket, in 1844. It was the repeal of the Missouri Compromise, in 1854, that was at length influential in bringing him out of his retirement. This measure was as abhorrent to his fine sense of public honor as the repudiation act of the Illinois legislature had been. He became an anti-Nebraska Democrat, and was so known in 1856, and at the beginning of the war

he became, as did most Democrats of that stripe, a member of the Republican party, because it was the anti-slavery party and the war party. In 1856 he was a candidate of the anti-Nebraska Democrats and the Republicans of Cook county for membership of the house of representatives in the state legislature, and was elected. At the succeeding session he distinguished himself by his support of Governor Bissell, whom the Democrats sought to keep out of the gubernatorial chair on the claim that, against the peace and dignity of the state of Illinois, he had once accepted a challenge to fight a duel. Mr. Arnold's speech in defense of the governor settled the question and placed the author in view of the whole state as one of its ablest public men.

In 1860 Mr. Arnold was elected to congress from the Chicago district and made his debut in that capacity July 4, 1861, at the beginning of the extra session of the thirty-seventh congress, called for the suppression of the rebellion of the southern states. Mr. Lincoln had long known Mr. Arnold—they were warm personal friends, in fact, and there was no member of that congress to whom the president looked with greater confidence. In this, his first session in congress, Mr. Arnold was honored by being chosen to pronounce the eulogy on the death of Hon. Stephen A. Douglas. In the proceedings of the regular session of this congress, which opened on the 2d of December, 1861, Mr. Arnold took an active part, and publicly placed himself among the foes of slavery by his vote to abolish the institution in the District of Columbia. He also introduced a bill, and against the bitterest opposition secured its passage, to prohibit slavery in every place subject to national jurisdiction, and throughout his congressional career he acted consistently upon his own adjuration: "Whenever we can give slavery a constitutional blow, let us do it." His speech delivered in the House May 2, 1862, in favor of the confiscation of rebel property, for which a bill had been introduced, was by some regarded as the ablest he made in congress, and as an exposition of constitutional law it attracted the attention of lawyers everywhere.

From the outbreak of the civil war until just before its close he was at his post, always alert, always patriotic, so loyal and efficient in support of the administration that his determination to return to private life was received with universal regret. He had before this entered upon his first great literary work, "The History of Abraham Lincoln and the Overthrow of Slavery in the United States," and, as his residence in Washington afforded him more ready access to documents which it was necessary for him to consult for its completion, he accepted the appointment, from President Johnson, of auditor of the treasury for the post-office department, which he resigned in 1867; but this work, which holds a high place among the many which have been written on the same eventful period of our history, was not completed until after his return to Chicago. Here he resumed the practice of his profession, but devoted himself to literature and to historical research as opportunity was afforded. He wrote a number of interesting and valuable historical sketches and took an active interest in the formation of the Chicago Historical Society, of which he gave a history in an address delivered upon the occasion of the opening of its first hall, in 1868, and

of which he became president by election December 19, 1876. In 1880 Mr. Arnold published his work, the "Life of Benedict Arnold: His Patriotism and His Treason." His work on Lincoln and the extinction of slavery never quite satisfied his own critical judgment, and about two years before his death he began to write the "Life of Abraham Lincoln," his latest work, and the one on which his reputation as a biographer and historian will mainly rest.

His day of life was waning, but he awaited the night with the calmness of a man who tried to do his duty, trusts in God, and fears no future. On his seventieth birthday he wrote: "Three score and ten! Death must be at no great distance. I wish to live only so long as I may be to some extent useful, and not when I shall be a burden. May my remaining days be useful and innocent." He was in religion a communicant of the Protestant Episcopal church, and was for many years a vestryman of St. James' church, Chicago.

He was twice married. His first wife was Catherine E. Dorrance of Pittsfield, Massachusetts, who died October 20, 1839, leaving one son, who died about five years later. August 4, 1841, he married Harriet Augusta Dorrance, a sister of his first wife, who bore him nine children. Mr. Arnold's death occurred on the 24th of April, 1884.

Thomas Hoyne.—The parents of Thomas Hoyne were Patrick and Eleanor M. Hoyne, who were obliged to leave Ireland about 1815 because of difficulties in which Patrick Hoyne became involved with the British government, on account of his advanced political ideas and the unguarded manner in which he advocated them. They found an asylum in the city of New York, and there Thomas Hoyne was born, February 11, 1817. He achieved his early education at a Catholic school attached to St. Peter's church, and was left an orphan at a tender age. Before the latter affliction fell upon him he became an apprentice to a manufacturer, and in that capacity worked for four or five years in his native city. As a boy he manifested a strong desire for knowledge, and during his apprenticeship joined what was known as the Literary Association, the membership of which included several persons who afterward distinguished themselves in the literary or political world. It was with men of this class that he early came in contact, and by the brightness of whose intellects he was impressed and inspired. In that old literary society Mr. Hoyne made his debut as a debator and acquired the rare art of charming oratory. As an apprentice he attended two night schools, in one of which he made a special study of English grammar and elocution, in the other giving particular attention to the classics and acquiring a fair knowledge of Greek and Latin.

In 1835 young Hoyne accepted a clerkship in a large jobbing house in order to earn money to pay his educational expenses. In 1836 he began the study of law in the office of Hon. John Brinkerhoff, and late in 1837 came to Chicago to join his old and esteemed friend, Judge Manierre, who had come two years earlier and was filling the office of clerk of the circuit, and who soon made a place for Mr. Hoyne in his office. In his spare hours he devoted himself to study, giving particular attention to Latin and French, and for two years was an active participant in the meetings of a literary society. In the autumn

of 1838 he took charge of a public school near the northwest corner of West Lake and North Canal streets, but when, after four months, he found that the duties of this position interfered with his law studies, he relinquished them and entered the law office of J. Young Scammon. It was as a teacher that he first met John Wentworth, then a school inspector. Mr. Scammon liked young Hoyne and became his friend and patron.

Mr. Hoyne was admitted to the bar late in the fall of 1839, and from that time until his death, except during a little more than two years spent at Galena, he practiced his profession in Chicago, making a brilliant record at the Cook county bar and appearing often before the supreme court of Illinois and the United States supreme court. He early associated himself with Benjamin F. Ayer. In January, 1864, Oliver H. Horton entered the partnership, of which Thomas M. Hoyne also became a member. In 1840 the Democrats elected Alexander Lloyd mayor and Thomas Hoyne city clerk. In 1841 he wrote the memorial which was presented to congress asking for increased appropriations for the improvement of the Chicago harbor.

After his return from Galena he was elected probate justice of the peace and held that position until the court was abolished, in 1848, and succeeded by the office of county judge. He was an earnest advocate of the Mexican war, but on the passage of the Wilmot proviso, prohibiting the extension of slavery in any territory acquired from Mexico at the close of the war, he became what was then known as a "Free Soiler." In 1848 he was a presidential elector, and stumped the northern half of Illinois in support of Van Buren and Adams. An able address to the people which, as chairman of an important political committee, he wrote and issued that year, was "a bold, manly and vigorous protest against the further encroachments of slavery and was designed to affect the opinion of the Democratic masses of the state." While he continued his opposition to the extension of slavery, Mr. Hoyne did not break entirely away from the Democratic party, and in 1853 received from President Pierce the appointment of United States district attorney for Illinois, which was greatly beneficial to him in a professional way. He sided with Judge Douglas on the Kansas-Nebraska bill and the Missouri Compromise repeal bill, and took an active part, as a Democratic orator, in the presidential campaign of 1856. In 1858 he advocated the admission of Kansas under the Lecompton constitution. In 1859 Mr. Hoyne was prevailed upon by Judge Drummond and others to accept the position of United States marshal, and entered upon its duties in April, that year. In 1860 he superintended the census for the northern district of Illinois. During the civil war his patriotism was intense, and no man in Chicago was more earnest in trying to save the Union. He was a very active member of the Union defense committee, and wrote its historical appeal to the people of this state. He was a member of the committee that visited Lincoln to urge a campaign down the Mississippi river in 1862. During the long and trying period of civil strife every emanation from his pen or tongue had the thrilling ring of a devoted lover of his country. When the remains of Illinois' martyr president were being borne from Washington to Springfield Mr. Hoyne was one of the committee of escort from

this state. After the war he sided with President Johnson against congress, and was a delegate to the "Conservative convention," held at Philadelphia in August, 1866. In 1870 he was nominated by acclamation for congress in the Chicago district, but declined to run. Mr. Hoyne supported Horace Greeley for the presidency in 1872, and was an elector that year in the first district. Two years later he acted with the opposition, so called, and aided in drawing up the call of the Democratic state committee, issued in this city and embodying a specie plank, free commerce, civil rights, and other issues.

July 9, 1875, Mr. Hoyne delivered an address before the Jeffersonian Club of Chicago, of which he was the president, in which he took the ground that "there is sufficient vital moral force and patriotism in the people to save their free institutions" and denounced the tendency to corruption among the politicians of the day and clearly announced his own political tenets as exemplifying the spirit of the club in whose interest he was speaking. As an enemy of corruptionists and a leader in the work of their discomfiture he was brought out as a candidate for mayor in the spring of 1876, and was triumphantly elected by a majority of over thirty-three thousand, the largest to that time ever given a municipal chief magistrate in Chicago. Mayor Colvin contested the legality of the election, and appealed to the courts. The circuit court, which really has no jurisdiction in the case, decided by a vote of three to two that the election was illegal. Mr. Hoyne could, with every prospect of success, have appealed to the supreme court but as his object was to cleanse the city of corruption, and not to secure honor or place for himself, and as the administration in power agreed to resign if another election were permitted without appeal, Mr. Hoyne, for the sake of the public good, assented, and, refusing to again be a candidate for the mayoralty, encouraged the election of Monroe Heath in his stead. He never afterward consented to be even considered in connection with any political office, but was to the end of his life Chicago's devoted and steadfast friend.

In 1859 Mr. Hoyne subscribed five thousand dollars for the endowment of a chair of international and constitutional law in the University of Chicago, of which he was for years the friend and adviser and which, in 1862, conferred upon him the degree of LL. D. To Mr. Hoyne also belongs the credit of securing the great Lalande prize telescope for the university, and he was elected the first secretary of the Chicago Astronomical Society. He was a life member of the Mechanics' Institute, the Academy of Sciences and the Chicago Historical Society. He was one of the most active in founding and fostering the Chicago free public library, of which he wrote an interesting historical sketch in 1877, and was also one of the originators of the Chicago Bar Association and was its vice-president in 1874 and a member of its committee on legal education in 1875. An address entitled "The Lawyer as a Pioneer," which contained sketches of the early Illinois and Chicago bar (1837-40), was left by Mr. Hoyne and was published in book form. In June, 1873, when the University of Chicago and the Northwestern University formed the Union College of Law, Mr. Hoyne was chairman of the board of trustees in behalf of the University of





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Belknap

CHAPTER XXX.

REPRESENTATIVE LAWYERS OF ROCK ISLAND, CHRISTIAN, CLAY, FRANKLIN AND MACON COUNTIES.

HON. IRA OTWAY WILKINSON, a descendant of the Wilkinson and Ellis families of Virginia, was born at Pittsylvania Court House, Pittsylvania county, Virginia, August 11, 1820, and died of heart disease, at Jacksonville, Illinois, August 24, 1894; he was never married.

The mother died a few months subsequent to his birth and the child remained with his Grandfather Ellis about two years and a half, when his father, Otway Wilkinson, moved to Hopkinsville, Kentucky, and remarried. Fourteen years afterward his father and family removed to Jacksonville, Illinois, where he continued to reside for the remainder of his life. Since Judge Wilkinson's decease the only survivor of his father's family is his sister, Mrs. Margaret W. Rockwell, who lives in the old family homestead, at Jacksonville, and who has kindly furnished the foregoing particulars for publication.

Judge Wilkinson's father was a near relative of General Wilkinson, U. S. A., who, during President Jefferson's administration, was connected with the arrest and trial of Aaron Burr. His maternal grandfather was Rev. Ira Ellis, who was born in Sussex county, Virginia, in 1761; was licensed to preach by Bishop Francis Asbury, and was a member of the celebrated Christian conference, held at Baltimore, in 1784, that organized the Methodist Episcopal church of America. He filled the most important circuits, stations and districts of that day, in Virginia, Delaware, Philadelphia, and Charleston, South Carolina. Bishop Asbury in his Journal (Volume III, page 180) says: "I desire to render all their due. Ira Ellis is a man of quick and solid parts. I have often thought that had fortune given him the same advantages of education he would have displayed abilities not inferior to a Jefferson or a Madison. But he has in an eminent degree something better than learning—he has undissembled sincerity, great modesty and uncommon power of reasoning," etc. Rev. Ira Ellis married Mary Mason (nee Macklin), widow of John Mason, in 1795, and had by her three children,—Nicholas, Ira Irwin and Fanny Macklin Ellis, the last named being the mother of Ira O. Wilkinson.

While resident at Hopkinsville, Kentucky, he acquired the elements of a common-school education, and upon the family removal to Jacksonville he was placed at a select school, in charge of Rev. Horace Spaulding, and there carefully instructed and prepared for entering Illinois College as a sophomore, graduating at the college in due course, cum laude. His classical training and natural aptitude for thorough investigation as well as mental habitude for profound study—and perhaps in a measure his admiration of the reputation and high standing of

many eminent members of the Illinois bar at that time—led him to adopt the practice of law as his profession. Under the tutelage of that able and accomplished jurist, Judge William Thomas, of Jacksonville, he became more than ordinarily well prepared, theoretically and practically, to enter upon the profession; so much so that his thorough preparation gave promise of early distinction and success, and his proficiency was the subject of special commendation by his learned instructor.

Upon his admission to the bar, in the early '40s, his first law partnership was entered into with the Hon. Richard Yates, afterward governor of Illinois, and they were so associated for some years. Desirous of "growing up with the country" in a nearer field of operation, one less preoccupied by lawyers already renowned in the profession, and as affording more immediate advantages to a young practitioner, the partnership was dissolved in 1845 and, after visiting different localities in Illinois and Missouri, he selected Rock Island as his future home and opened an office. His reputation as an able and well read lawyer steadily grew in public estimation from this time on, and, in 1846, among his early cases, was the widely celebrated trial of the murderers of Colonel Davenport, United States agent stationed on the island of Rock Island, in which he was senior counsel for the defendants. The result of that trial and of his manifest skill and ability in conducting the defense gave him at once extended reputation among the citizens of the state, established and made known his legal talent,—*perlucidum ingenium juridicum*,—and from thenceforward to the close of his life his legal practice was always large and remunerative.

In 1847 he was elected probate justice of Rock Island county, and in 1849 judge of the circuit court. In 1861 he was elected to the bench a second time, serving until 1867. During the interval of service as circuit judge he formed a partnership with Hon. George W. Pleasants, who was subsequently, and for many years, one of the judges of the appellate court of this state, and who, as such, achieved distinguished reputation. Declining a third term, Judge Wilkinson located in Chicago and resumed his law practice. His law library, one of the largest and choicest private libraries in the state, was totally lost in the great Chicago fire, but with unremitting exertion it was subsequently replaced by another, substantially as extensive and valuable. During the administration of President Johnson it was understood he was offered the position of United States district judge, but preferably remained a practitioner in private life rather than again enter upon the duties of a judgeship. Few persons, indeed, of his influence in the political arena and reputation as judge have so resolutely and persistently refused to accept proffered political and judicial honors. In 1881 he returned to Rock Island and entered into partnership with J. T. Kenworthy, Esq., and Major J. M. Beardsley, which association continued until 1885; from that time until compelled, by his last and fatal illness, to desist, he practiced law by himself.

The life work of Judge Wilkinson as lawyer and jurist was successful to an extent not commonly attained among the members of the profession. He was aptly and fully qualified, both mentally and by profound study, not only in

preparation and trial of cases at bar and legal argument addressed to the court, but also for the adjudication of the broader and more intricate questions of equity jurisprudence. Using the term in its legal sense, his pleas at common law were clearly and critically exact, exemplifying, in the language of Chitty, certainty combined with brevity and precision. Characteristically, both as attorney and as judge, his mental attributes and legal attainments were of a high order,—deliberate, firm, sound of judgment, patient and laborious in investigation, of clear and penetrating perception, and, above all, possessed of a mind intuitively and pre-eminently of judicial cast. His addresses to the jury—never ornate or grandiloquent, but clothed in plain yet appropriate forms of speech—were remarkable for force, order and skill in presenting or reviewing the evidence adduced, and in bringing out intelligently, and broadly setting forth the paramount and governing facts and principles upon which the questions at issue should be determined and decided. On the bench few nisi-prius judges have with equal ability in the trial of causes, and to the same extent, disassociated from their own preferences and judgment the personality of the attorneys and parties to the suit, and impartially heard and determined a cause upon its real merits as shown by the evidence and the law of the case.

As lawyer and judge a biographical sketch of the life and services of Judge Wilkinson may befittingly find a page in the annals of the Illinois bar. Among the large number whose learning and professional life have contributed to the enduring fame and unquestioned eminence of the several courts of the state, few have surpassed Judge Wilkinson at the bar, and fewer still (if any) have excelled his ripe legal scholarship, his broad and comprehensive knowledge of equity jurisprudence, and his successful chancery practice.

Aside from books pertaining to the profession, may be instanced the number and variety of literary and scientific works to be found in his private library, attesting not only the impress and influence of his early scholastic discipline, but a love of study in general, and a mentality which delighted in abstruse research, even to the most occult limits of philosophy and science. As of many other professional men illustrious on the roll of honor, so of him it may be happily said that "in conversation he was a ready man, in reading a full man, and in thinking a great man." His personal traits in some particulars were *sui generis*. Among the personal friends with whom he held social intercourse he was affable and engaging, unaffected and courteous, to all who approached him attentive and obliging,—his friendship was sincere and lasting; conversely, beyond a doubt he was a good hater of shams and fads, and in cases which merited it a satirist seldom rivaled. In affairs of state and national policy he was public-spirited, patriotic and a wise and experienced counselor in measures affecting public welfare. To his advice and assistance, both as a citizen and city attorney, Rock Island in particular is indebted for much that pertains to its progress and prosperity. The benefactions to the needy and deserving from his private resources were generous, liberal, and made without ostentation; many a grateful heart was gladdened thereby; and professionally, many a young attorney has been assisted and advanced in his legal labors by the Judge's kindly advice, the

free use of his library, and his practical assistance—that, too, without hope or expectation in return of fee or reward.

His inanimate remains lie entombed in the silent city of the dead; his spirit has returned to God who gave it; his memory still survives. His name and fame are an enduring legacy to the city of Rock Island and to the bar of Illinois. As was said in eulogy of the illustrious Webster, so let it be said in remembrance of Ira Otway Wilkinson:

"Though cold in death his perished frame may lie,
The spirit that once warmed it can never die."

John Thomas Kenworthy, the subject of this sketch, was born in Andalusia, Rock Island county, Illinois, October 24, 1846. His ancestors were Anglo-Saxon in descent. His father, Samuel Kenworthy, and mother Sarah M. Kenworthy, nee Eby, resided for the greater portion of their lives at Andalusia and were among the most reputable and well-to-do citizens of that town. His father's occupation was that of miller and merchant; he was also one of the Argonauts who sought a Golden Fleece in California in 1849. Though moderately successful in his search for gold he preferred the life of his early home, and, leaving behind him the golden fields of the Pacific shores, he returned to Andalusia, where he continued to reside until his decease.

The son, John T., attended the common schools of his native town until the age of fourteen, and by that time was regarded as fully instructed in the "three R's" and graduated in school with some distinction in that grade. Transferred from the common school to an academy, his further studies were pursued as preparatory to a due course in college, but before completing the full course his patriotism and youthful ardor, like that of thousands of bright young students of that day, led him to discontinue collegiate preparation and enlist in the ranks of the Union army. He entered as a private in Company G, One Hundred and Forty-Sixth Illinois Volunteers, and continued in service until mustered out at the close of the war. Though the ardor of youth may have somewhat abated, the fire of patriotism in his breast still glows with undiminished force, and his country's honor has no warmer or more valiant defender.

His collegiate course was never completed, but a taste for classical study has always been a favorite pursuit in his leisure hours, and his knowledge of metaphysical, psychological and historical works,—the result of student life and consumption of midnight oil,—are prominent characteristics and personal attainments, which in a large measure have supplied the lack of collegiate instruction and have made him, in an uncommon degree, a well read man and an intelligent student in a wide field of research, both scientific and literary.

Though descended from a Presbyterian family on both the paternal and maternal sides, his own religious views have never led him to become a member of any denominational church. Among societies of a secret and fraternal character he has been distinctively prominent, being both a Knight of Pythias and an Odd Fellow. In politics, born and reared a Democrat, he has never forsaken the faith of his forefathers. In early manhood he was elected to fill cer-

tain town offices, and for some years was a county supervisor, yet his natural inclination was always averse to engaging in political contests and office-seeking, both of which, later in life, he has studiously avoided, and with unremitting constancy has devoted his attention and energies to the work of a legal practitioner at the bar.

May 19, 1870, he was married, at Andalusia, to Miss Clara E. Wells, daughter of Rinnah Wells, Esq. They have three children: Charlotte F., born September 9, 1871, now a teacher in the Rock Island public schools; Samuel R., born October 14, 1873, now a lawyer of the Rock Island county bar; Clara E., born June 7, 1884, now attending the Rock Island high school.

The Kenworthy family first settled in Rock Island county, Illinois, in 1838; the Wells family in 1835. John T. Kenworthy and wife are both members of Rock Island County Old Settlers' Society.

Subsequent to the war of 1861-5 he read law in the office of Hon. George W. Pleasants, of Rock Island, and in 1869 was admitted to the bar and opened a law office in the city of Rock Island. In 1870 he formed a law partnership with Major James M. Beardsley, also a soldier in the Union army, which continued as Kenworthy & Beardsley until 1880, when Judge I. O. Wilkinson joined the firm and remained so associated until 1885. The firm was then dissolved, since which he has remained in law practice without partnership.

In his legal career, it may of a verity, and without reserve, be said that John T. Kenworthy has reached eminence and distinction,—has achieved much more than ordinary success at the bar. Being now in the prime of life and in full vigor of intellect, there lie before him in the future the vista of still greater attainments and the fullness of well rounded, well merited professional distinction. With few equals in the niceties and perfection of pleading and the management of cases at the bar, his reputation as a lawyer of assiduous and careful preparation, of skill and undoubted ability, commands the attention and respect not only of nisi-pris courts but of the appellate and supreme courts of the state of Illinois.

A public-spirited citizen, possessed of broad and liberal views upon questions relating to and of interest to the common weal, with sound and equable judgment, a kind neighbor and a sincere friend, a judicious counselor and a recognized able jurist,—his standing in the community worthily becomes the man, and his name is honorably associated among the prominent members of the Illinois bar.

William McEniry is of Celtic origin, and his parents were natives of county Cork, Ireland. The father, William McEniry, Sr., came to America in 1841 and located in Moline, then a small village of Rock Island county, Illinois, where he remained for five years. In 1846 he returned to his native land and married Elizabeth Caughlin, with whom he returned the following year to Moline. There he engaged in the manufacture of brick until 1852, when he purchased a farm in Zuma township, Rock Island county, upon which he made his home until his death, in 1874. His widow still survives him.

Their son, William McEniry, the well known lawyer and statesman of Rock

Island, was born at the parental home in Zuma township, May 9, 1860, and between the ages of six and seventeen years pursued his education in the district schools of the neighborhood, where he acquired a good fundamental knowledge to serve as a foundation upon which to rear the superstructure of a splendid scientific and law education. In 1877 he entered St. John's Commercial College, of Prairie du Chien, Wisconsin, where he remained for a year. In 1878 he matriculated at the University of Notre Dame, of Indiana, and, having completed the scientific course, was graduated with the class of 1883. In the same year he became a student in the law department of the University of Michigan, at Ann Arbor, where he was graduated with the class of 1885. Another year of continued application and hard study in the office of William Jackson, of the Rock Island bar, followed his graduation at Ann Arbor, and in 1886 he was licensed to practice and opened an office in the city where he yet makes his home,—Rock Island, Illinois.

In April, 1887, Mr. McEniry was elected city attorney of Rock Island for a term of two years, and discharged the duties of the office with decided skill and ability, greatly to the satisfaction of Mayor V. M. Blanding and the council, and to the manifest satisfaction of the general public. Since that time his legal reputation and business success have been constantly augmented and increased, and a large clientage attests the masterful manner in which he handles important litigation in the courts.

On the 15th of October, 1890, was celebrated the marriage of Mr. McEniry and Miss Alice Cleary of New Orleans, Louisiana, daughter of John Cleary, who for the past forty years has been one of the most successful levee contractors of that state. Mr. and Mrs. McEniry have four children: John, Elizabeth, William and Katharine, the eldest born July 20, 1891, the youngest September 5, 1897. Both the McEniry and Cleary families possess a well earned and ample competence, and are highly esteemed in a wide circle of acquaintances, both north and south. Both have also been long identified with the Democratic party, and in the field of politics the subject of this sketch has achieved a success which makes his friends predict for him still greater honors in that line.

In November, 1896, he was elected a member of the Illinois house of representatives and was made a member of the appropriation and judiciary committees. Through his personal exertions before the former committee and in the house he became a potential factor in securing the location of the State Western Hospital, at Watertown, Rock Island county, and later, as a member of the same committee, he was signally energetic and effective in advocating and securing an appropriation of three hundred and fifty thousand dollars for the completion of the hospital edifice and its use for eleemosynary purposes. Among other legislative enactments which Mr. McEniry was equally instrumental in securing may be mentioned the well known Woodmen bill, which enabled the order of Modern Woodmen of America to remove their main office from Fulton, Whiteside county, Illinois, to Rock Island; also the passage of the matron bill and the plumbers' bill. Such unusual success, seldom attained by a young member in his first legislative term, gave Mr. McEniry unwonted influence and standing not only



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in the house, but also before the people of the state. As a representative Democrat, his strength and influence were widely felt within the precincts of the party councils, were often put in requisition, energetically exerted and seldom surpassed. Vigilant, active and alert, his intuitive perception of the merits of any proposed measure and a clear logical view of the situation enabled him to grasp securely and comprehensively the salient points, to measure the strength and force of the opposition, and in the end to command success. These attributes of mentality and character doubtless contributed much to his becoming one of the most efficient and popular members of the fortieth general assembly of the state of Illinois.

Mr. McEniry was then but twenty-five years of age. Possessed of a splendid physique, courteous personality, liberal culture and a classical education, and withal endowed with more than average inborn gifts of eloquence, his friends regarded him even then as a young man of more than ordinary promise. Inheriting from his father *perfidum ingenium Hibernicum*, fervor of speech and the power of captivating an audience, his advance in public life has been rapid and brilliant. His success and ability as a member of the Rock Island bar has brought him in *pleno grandu* repute and distinction commensurate with his years and experience. Agreeable and companionable among his associates, generous in disposition, of high culture in sentiment, strong and forceful in his personal convictions and persistent of purpose few among the rising lawyers of this state or the coming representatives of the people in the near future enjoy more well merited distinction or are held in higher public estimation.

Edward D. Sweeney, of Rock Island, Illinois, was born at Simsville, on the banks of the Brandywine, in the state of Delaware, on August 13, 1833. From Delaware he removed with his father to western Pennsylvania, in 1839. He received his education at famous old Allegheny College, Meadville, Pennsylvania, teaching school during part of the time to assist in defraying his college expenses.

After leaving college he came west, first stopping at Alton, Illinois, in February, 1857, and from there going to Greene county, where he taught school for a few months. Learning of better inducements at Rock Island, he came to the place destined to be the scene of his labors and future home, in July, 1857, and was shortly afterward chosen principal of its second-ward school. While engaged in this work he spent his spare time in the study of the law under the direction and guidance of Hon. George W. Pleasants, for many years and until recently judge of our appellate court, and in August, 1860, he was admitted to the bar of this state. He at once begun the practice of his profession, in which he is still actively engaged, as senior member of the well known firm of Sweeney & Walker, the location of their office, in the city of Rock Island, being still on the same corner where Mr. Sweeney began his legal career thirty-eight years ago. They enjoy a very large general practice, representing many important corporate interests in that vicinity, and for over twenty years have been division attorneys for the St. Louis and Rock Island division of the Chicago, Burlington and Quincy railroad.

Mr. Sweeney has been twice married, his first wife being formerly Miss Harriet E. Allen, of Greenfield, Illinois, to whom he was united in 1862, and who bore him five children, two of whom are deceased; those living are Mrs. F. S. Kenfield, of Chicago; Edward A. Sweeney and William J. Sweeney, the latter a student in his senior year at Cornell College, New York. Mrs. Sweeney died in 1889, and in 1894 he was united in marriage with Miss Emma Tunnell, his present wife.

In religion Mr. Sweeney is a Methodist and a regular attendant at the First Methodist Episcopal church, in Rock Island, to which he is much attached. Through his efforts and means he has done much in aiding and upbuilding the church and extending its influence.

In politics he has always been a steadfast Republican,—one of those who desire no offices for themselves, but strive to assist others and work always for the success of the party. He stands high in the councils of the Republican party in his part of the state, is a generous contributor to the party's support, and for many years, during political campaigns, has done effective work on the stump in that vicinity.

Early in his legal career Mr. Sweeney was appointed United States commissioner in the district including his county, in which position he continued, performing its duties acceptably and well, until the abolishment of commissionerships outside of the larger cities, a couple of years ago. For over thirty-three years he has been an Odd Fellow, belonging to Rock Island Lodge, No. 18, where he regularly attends and in which he takes much pleasure and interest.

As an orator Mr. Sweeney takes high rank among people of his section, being both eloquent and forcible, and having made addresses on many notable occasions, chief among which, perhaps, was a magnificent oration delivered by him on the laying of the corner-stone for the new court-house at Rock Island, a couple of years ago.

He has a wide acquaintance among members of the profession in Illinois, is one of the leaders of the Rock Island county bar, and has been engaged, either on one side or the other, in much of the important litigation arising in this county for many years. He is an able and well read lawyer, industrious and indefatigable in all he undertakes, a good business man and an excellent citizen. As a result of his efforts in life he has amassed a comfortable competency of this world's goods and enjoys the surroundings of a pleasant well appointed home in his city, to the charming hospitality of which countless friends will readily testify.

Judge Gershom A. Hoff is known as a leading member of the bar of Clay county,—a fact which at once indicates a superior order of talent, a comprehensive knowledge of the law, an accurate application of its principles to litigated points and an absolute fidelity to his clients' interests. His name is inseparably connected with the history of jurisprudence in his section of the state, and it is therefore just and proper that his life record should find a place in the annals of the Bench and Bar of Illinois.

Judge Hoff is a native of the Empire state, his birth having occurred in

Livingston county, New York, May 16, 1839. At the age of five years he accompanied his parents on their removal to Nashville, Washington county, Illinois, where his mother died in 1846, and his father soon afterward. The Judge, then a young lad, went to St. Louis, where he resided with relatives until 1853, when he became a resident of New York city. It was there that he served an apprenticeship to the trade of a brick mason and plasterer, and at the age of nineteen he returned to St. Louis, where he worked as a journeyman for two years. On attaining his majority he went to the Pacific coast, where he engaged in gold-mining, but Illinois proved a more attractive field of labor to him than the far west, and in March, 1864, he purchased a large farm in Clay county, Illinois. While devoting his energies to the labors of field and meadow he also took up the study of law, but delayed obtaining his license to practice until 1872, at which time he opened an office in Louisville, Illinois. His success was marked and immediate. Before a year had passed his clientage rivaled that of the older practitioners and has since steadily increased in volume and importance. For twenty-six years he has been a member of the Clay county bar, where his efforts have been crowned with that success which only comes through capability and merit. He is thoroughly informed in the science of jurisprudence, has a keen, analytical mind that has gained him marked prestige in his profession, and he has been retained as counsel in the most important litigation in his district. His practice has also extended to the appellate court, and he has won many notable forensic victories against strong opposing counsel. He invariably prepares his cases with thoroughness and enters the court-room ready to meet every possible objection of his opponents, whether it concerns the law bearing on the case or previous judicial decisions. His addresses, either to the court or jury, are always forcible and often eloquent.

The political career of Judge Hoff has been alike able and honorable. He has always been an earnest advocate of Democratic principles and has delivered many campaign addresses in which his logical arguments, entertainingly presented, have carried conviction to the minds of his hearers. During the presidential campaign of 1896 he published the *Flora Democrat*, which he made one of the strongest free-silver papers of southern Illinois. He is tireless in his advocacy of Democratic measures, for his belief arises from an honest conviction that the welfare of his nation can best be conserved through this political channel. He was for two years state's attorney of Clay county, and for nine years occupied the bench of the county court, where he administered the duties of his office with a fairness and impartiality that made him one of the most popular and esteemed judges that has ever occupied that position. His decisions were models of judicial soundness, being based upon his accurate knowledge of the law and his understanding of his fellow men. In the spring of 1898 he became a candidate for the Democratic nomination for congress.

The Judge was married July 31, 1864, to Miss Cornelia Van Ness, a daughter of John B. Van Ness, of New York city, and they now have four children: Cora L., Ely, Alonzo, Nina G. and Clare Van Ness.

For thirty-eight years the Judge has been a member in good standing of

the Independent Order of Odd Fellows, in which body he has served as high priest. He also belongs to the Knights of Pythias fraternity, and for twenty-eight years has been a member of the Christian church. His honesty is unimpeachable and he is a man of broad views and generous impulses, true to every trust reposed in him and faithful to all the duties of public and private life. No resident of Clay county enjoys the esteem of his fellow men in a higher degree or has attained greater eminence in the profession which he has made his life work.

Hon. Dios C. Hagle, late of Flora, Illinois, for a quarter of a century was a notable figure in the councils of the Republican party and ranked equally high in the legal profession. Honorable and upright in all his dealings, anxious for the good of his country, state, and home community, his life was a literal exponent of his high ideals and lofty purpose. His name and record were above reproach, and to his bereaved family he leaves the heritage, more precious than riches and fame, of a pure, unblemished life. In the world of business and statesmanship he played an important part, but chiefly was it in the home circle that his noblest qualities were displayed, and nothing was so dear to him as his unpretentious home.

"Born, lived, died,"—such, in brief, is the summing up of a human life; but what a world of difference in the way these outlines are filled out by our fellow-beings! The record of Mr. Hagle's life is one remarkable for simplicity, yet replete with lessons for the thoughtful. Unselfishness was its keynote, and genuine love for God and man was the spring of his conduct. He is one of the grand sons of the old Buckeye state, his birth having occurred in Brown county, September 11, 1839. At an early age he came to Illinois with the other members of the parental household, and his boyhood was chiefly passed in Wayne county. He not only mastered the rudiments of an education in his youth but became well-grounded in sterling principles and in loyal patriotism. When the time came that his country needed his service in her great struggle for union and freedom he set aside all other enterprises and ambitions and shouldered the musket. He was one of the first "boys in blue" who answered to the call for troops, in the spring of 1861, and for three years he was always faithfully at his post of duty on southern battle-fields. He enlisted as a private in the Eleventh Missouri Infantry, and served with them until his three-years term of enlistment had expired.

Upon returning from the service Mr. Hagle followed farming in Wayne county. He took up the study of law in 1866, his preceptor being William H. Hanna, of Louisville, Clay county, Illinois; was admitted to the bar in 1868, and he entered upon the practice of his profession in the town of Louisville, remaining there for several years, and meeting with success. In 1875 he went to Dakota, and there embarked in legal work. The year after his arrival there his talents were recognized by his fellow-citizens, who elected him to the territorial legislature (for Dakota had not yet become a state) of Dakota, and upon the organization of the lower house he was honored by being chosen as speaker. He concluded to return to Louisville, nevertheless, and the same year, 1877, we

find him once more pursuing his customary vocation there, among his old friends. In 1880 he was elected state's attorney of Clay county, and upon the expiration of his term he was re-elected. In 1888 he was elected to the state senate, and it was largely on account of a magnificent effort of his, in placing Governor Tanner in nomination, that the latter was so happily brought before the special notice of the people. When the Governor had entered upon the duties of his office he recognized our subject's devotion and loyalty toward him by appointing him first assistant attorney general. In 1886 he became a resident of the town of Flora, where he was living at the time of his death, February 6, 1898. In the various fraternities he stood very high, and his genial, happy manner of looking on the bright side of life made him a general favorite. He was a Knight Templar Mason and belonged to the blue lodge at Flora, the Modern Woodmen of America, the Order of the Eastern Star and the Grand Army of the Republic.

In 1870 Mr. Hagle married a daughter of Samuel George, of Wayne county, but eight years later she died at their Louisville home, leaving one daughter. In 1879 Mr. Hagle married Miss Belle Ingraham, of Harter township, Clay county, Illinois. One son and four daughters came to bless this union. The family is still living in the pleasant Hagle residence in Flora, where they are highly esteemed by all.

Harvey W. Shriner, of Flora, Illinois, is one of the prominent members of the bar in his section of the state, and is now serving his third term as state's attorney of Clay county. He is a staunch Republican and was elected on the party ticket for the first time in 1888. He has been retained in the office ever since, being re-elected in 1892 and 1896, his present term to expire in 1900. The interests of justice and the rights of the people never suffer in his hands, and the universal opinion in regard to his record here is that it has been wholly above reproach. As a lawyer his pleadings are marked for clearness, conciseness, comprehensive knowledge of the law and an equal knowledge of human nature. He is an able advocate and his opinion never fails to carry great weight with judge and jury.

Mr. Shriner is in the prime of manhood, as his birth occurred the first year of the Civil war, October 25, 1861. His birth-place was in Benton county, Ohio, but his early recollections all cluster around Illinois, as he was but a year old when he was brought by his parents, Silas and Susan Luse Shriner, to this state, and here it was that his youthful days were passed. He grew up in Clay county and received a common-school education, making the best of his advantages. He succeeded so well that he was placed in charge of a school the winter that he was eighteen years of age, and for the six winters following he was similarly occupied. In the meantime he decided to enter the legal profession, and to that end took up the study of law, in his leisure hours. After about two years of work under the guidance of D. C. Hagle, he was admitted to the bar in February, 1887, and in the following June entered into partnership with Mr. Hagle, under the firm name of Hagle & Shriner. This business connection was a very pleasant and profitable one, and continued in existence until the death of Mr. Hagle.

Mr. Shriner has never had a criminal case reversed by the supreme or appellate courts, and the ablest members of the county bar are his warmest friends and advocates. The only fraternal order with which he is associated is the Modern Woodmen of America.

On the 10th of September, 1885, Mr. Shriner married Miss Emma Critchlow, who died January 5, 1896, leaving three sons, namely: Austin, Carlton C., and Silas.

Albert Morrison Rose is known as one of the most capable members of the bar in his section of the state; and although he is hardly yet in the prime of life he has long since left the ranks of the many to stand among the successful few. The specific and distinctive office of biography is not to give voice to a man's modest estimate of himself and his accomplishments, but rather to leave a perpetual record establishing his character by the consensus of opinion on the part of his fellow men. The public renders its decision of the worth of an individual, a decision which gives him rank in both business and private life, and the place of Mr. Rose is thus determined.

Mr. Rose, now a resident of Louisville, was born in Georgetown, Clay county, this state, on the 26th of September, 1862. His father, Dreaury Rose, was a native of Kentucky and a carpenter by trade. He married Caroline Ackison, a native of Clay county, Illinois, whose people came to the west from Pennsylvania. Having acquired his preliminary education in the public schools of his native county, Mr. Rose pursued an academic course of study in the university in Vincennes, Indiana, and on laying aside his text-books entered upon educational work in the capacity of teacher, which profession he followed with marked success for nine years. During that period he began reading law in the office of John A. Barnes, of Louisville, Illinois, diligently applying himself to the mastery of the principles of jurisprudence. In the fall of 1890 he was admitted to the bar and the following spring entered into partnership with his preceptor under the firm name of Barnes & Rose, which connection was continued until 1897, when Mr. Barnes removed to Chicago. Not long afterward Mr. Rose was joined by W. H. Dillman, in the establishment of the firm of Rose & Dillman, one of the most progressive and successful law firms in the southern part of the state. Mr. Rose's practice is of a general character, including both civil and criminal litigation. His knowledge of the law is broad and his retentive memory makes it always available. He shows great precision and care in the preparation of his cases, and while guarding every assailable point in his own suit never fails to catch sight of an available point of attack in an opponent's argument. His mind is keenly analytical and he is an earnest and oftentimes eloquent speaker. His fervent utterances have the ring of truth and honest conviction, swaying the minds of the hearers, as with pathos, humor, fact and logic he plays upon their emotions.

Mr. Rose exercises his right of franchise in support of the men and measures of the Democracy, and has been a member of the Louisville board of trustees since 1892, discharging his duties with a fidelity and promptness that indicates high public-spirited loyalty to the general welfare. He is a consistent



Rufus M. Potts

member of the Christian church, and holds a membership connection with the Masonic fraternity. Since twenty-one years of age he has been a member of the Odd Fellows order, and among his brethren of these organizations he is held in the highest regard. On the 28th of December, 1892, he was united in marriage to Miss Lula Branson, daughter of Dr. J. M. Branson, of Wayne City, Illinois. Their home is brightened by the presence of a little son, Robley B., and the Rose household is the abode of a cultured hospitality that makes it a favorite resort with the best people of the community.

Judge Rufus M. Potts, of Taylorville, was born in Christian county, Illinois, on September 3, 1870, where he still resides. His parents, George D. and Lenora (Langley) Potts, were also natives of Christian county. Mr. Potts lived on the farm with his father until he was seventeen years of age. His elementary education was acquired in the country schools, which was supplemented by two terms in the city schools of Taylorville. After leaving the farm he taught two years in the district schools. He then commenced the study of law in the office of Drennan & Hogan, in Taylorville, and was admitted to the bar in August, 1892, at the age of twenty-one. He then entered the office of Palmer, Shutt & Drennan, of Springfield, as a law clerk, and a portion of the time he was connected with this firm he was Senator Palmer's private secretary. After Mr. Potts had completed his year's work with Palmer, Shutt & Drennan, he returned to Taylorville and engaged in the practice of law. Mr. Potts is now one of the leading attorneys in central Illinois. He having no one to assist him, his advancement in his chosen profession is due to his own efforts and ability. He is especially strong in the trial of his cases before juries, and has been counsel in several of the most important cases in his part of the state; and aside from his legal attainments no man ranks higher as a gentleman than Mr. Potts.

Mr. Potts has always taken an active interest in politics and is prominent in local and state Democratic political circles. He was elected county judge of his county on the Democratic ticket, on November 8, 1898, and has the distinction of being the youngest judge in Illinois. February 1, 1898, he was elected president of the Illinois County and Probate Judges' Association. At the beginning of the American-Spanish war Mr. Potts aided in the organization of Colonel Wilson's provisional regiment, being the Tenth Illinois, and was selected major of the first battalion of this regiment.

His oratorical ability has occasioned his selection as the orator of many public celebrations, and he never fails to interest, instruct and entertain his hearers. On October 16, 1895, Mr. Potts and Miss Wilhelmina R. Grunwaldt, of Springfield, Illinois, were married, and they have one daughter,—Wilhelmina Madonna Potts. Mr. Potts and family have high social standing.

James C. McQuigg, a representative of the Pana bar, was born in Wooster, Ohio, on the 1st of August, 1840, and is a son of John and Sarah (McAfee) McQuigg. The parents were natives of county Antrim, Ireland, and in the latter part of the '30s came to this country. The father died February 1, 1885, at the age of eighty years, and the mother passed away in March, 1897, at the advanced age of ninety-two years. They had nine children, all of whom are yet living.

James McQuigg was reared in the state of his nativity and acquired his preliminary education in the common schools. In 1861 he responded to his country's call for troops, enlisting for three years as a member of Company C, Sixteenth Ohio Infantry. With his command he went to the front, participated in all the engagements in which it took part, and at the battle of Vicksburg was wounded, after which he was sent to the hospital. When the war was over and the country no longer needed his services he returned to his home and continued his education in Vermillion College, of Ohio. Subsequently he began the study of law, in Wooster, Ohio, under the direction of Captain A. S. McClure, afterward member of congress, and when he had gained a good knowledge of the fundamental principles of the science of jurisprudence he matriculated in the Ann Arbor law school, where he continued his studies from 1865 until his graduation in the class of 1867.

In May of the latter year Mr. McQuigg opened his law office in Pana, where he has since made his home. In the '70s he was elected and served for one term as city attorney, and in 1876 was a candidate for state's attorney, but though the county went Democratic by a vote of over nine hundred he was defeated by only eighty-three votes,—a fact which indicates his personal popularity and shows the support which he received from the opposition party. In politics he has always been a stalwart Republican, and served as presidential elector in 1880. He engaged in the general practice of law and is now enjoying a fair share of the public patronage in his line. He is married and his pleasant home in Pana is blessed with a son and a daughter,—Myron and Florence.

James Carroll McBride, a practitioner at the bar of Taylorville, was born near Palmyra, Illinois, on the 16th of July, 1845, and is a son of Thomas W. and Margery A. (Wiggins) McBride, natives of Tennessee and Kentucky, respectively. He attended the common schools of Illinois, then Earlham College, Richmond, Indiana, and later entered the Lincoln University, where he remained three years, being graduated in the class of 1869. In 1870 he pursued the study of law under the direction of Judge Welch, of Carlinville, and in January, 1871, was admitted to the bar. He then opened an office in Taylorville, where he has since remained, enjoying a very liberal share of the public patronage in law lines. For three years, from 1880 until 1884, he was in partnership with G. B. Crooker. He served as justice of the peace early in his practice, an office which his father had held, and in whose court General Palmer used to practice during the boyhood days of our subject. Mr. McBride has also held the office of master in chancery for one term and of city attorney many terms. In the spring of 1897 he was nominated by the Democracy for the position of judge of the fifth judicial circuit, but about that time the legislature changed the circuit, and he was accordingly deprived of the office. He has been engaged as counsel or advocate either for the defense or the prosecution in almost every important case that has been tried in the courts of Christian county for the past ten years. The volume and important nature of his business indicate his ability and his brethren at the bar accord him a prominent place in their ranks.

On the 17th of May, 1871, Mr. McBride was united in marriage to Miss

Mattie Wheeler, who was born in Indiana, but reared in Logan county, Illinois. They now have four children. One of the two sons, W. B. McBride, has been recently admitted to the bar and is now in partnership in the practice of law with the subject of this sketch.

Socially, Mr. McBride is a Mason, has attained the Knight Templar degree, and has served as master of the lodge for six years. He has been a member of the board of education for four years, and was serving thereon at the time of the erection of the fine high school building at Taylorville. In addition to his law practice he has other business interests. He was one of the organizers of the Taylorville Coal Company, of which he served as president and director for many years, and is now a director of the First National Bank, his sound judgment in business matters making his counsel valuable.

James L. Drennan, a member of the law firm of Hogan & Drennan, of Taylorville, was born on the 25th of February, 1869, on his father's farm in Mosquito township, Christian county, Illinois, where he resided for eighteen years. No event of special importance changed the usual routine of the life of the farmer's lad, who assisted in the labors of field and meadow until after the harvests were gathered in the late autumn, when he entered the district school of the neighborhood, there to pursue his studies until the opening of spring made it again necessary for him to take his place at the plow. He was only thirteen years of age at the time of his father's death, and being the eldest son at home the responsibility of managing the farm devolved upon him for six years. When he was a young man of nineteen years his mother left the farm and he then began business on his own account.

For three years he successfully engaged in teaching school, and then began preparation for the bar as a student in the law office of Drennan & Hogan, the senior partner being his elder brother, John G. Drennan, the junior partner, John E. Hogan. Under their direction he continued his studies for two years, and was admitted to the bar in August, 1893, when twenty-four years of age. He was then taken into partnership with the firm of Drennan & Hogan, under the firm name of Drennan, Hogan & Drennan, but after a year the senior partner withdrew and removed to Springfield. Our subject has never taken an active part in the trial of cases in the circuit court, having served as chief clerk in the circuit clerk's office for the first two years after his admission to the bar, after which he was appointed master in chancery by Judge Creighton, and in the latter position he is still serving.

On the 5th of May, 1890, Mr. Drennan married Miss Hattie M. Jones, who died May 22, 1897, leaving a daughter, Margaret O., who is with her father.

Judge Horatio Middleton Vandever, of Taylorville, was born in Washington county, Indiana, on the 1st day of March, 1816. In the fall of 1829 his father, the Rev. Aaron Vandever, moved with his family to Illinois and settled on a farm on Clear creek, in Sangamon county, where the youth of the subject of this memoir was passed. For about three months only did he enjoy the advantage of attending school, and the remainder of the time he was obliged, owing to his father's straitened circumstances, to assist in the cultivation of

the farm; and here the privations he had to endure formed and molded those elements of character which became such prominent features in his later years. But the mere question of environment could not prevent his active mind from acquiring the knowledge that it craved. He formed the acquaintance of Hon. John T. Stuart,—an acquaintance which ripened to warm friendship,—and that gentleman gave him ready access to his personal library, where, by close and assiduous study, he was able to obtain considerable legal knowledge. In 1836 he taught school, in one of the old-fashioned, log school-houses so common at that time, and continued this for two years, alternating this employment with farming, and occupying his leisure hours in reading and study. In 1839 he was admitted to the bar, being the first resident lawyer of the county, where he established an enviable reputation both for ability and integrity. His first case was in the circuit court, and resulted in victory.

Activity in public affairs and a strong political bias were inevitable in a man of such characteristics and indomitable energy, and it was but a natural sequence that he should assist in the organization of Christian county, in 1839. The first election was held April 1 of that year, and he was chosen county recorder, and shortly thereafter was appointed school commissioner by the county court. Two months later (June 1, 1839) he was appointed by Judge Samuel H. Treat to be clerk of the circuit court, which office he filled with marked ability for many years. In 1842 he was elected a member of the Illinois house of representatives, defeating Martin White, the former member, and Henry T. Lockett,—both able and popular men. In 1843 he was reappointed clerk of the circuit court, and during the same year was elected justice of the peace. He was subsequently appointed postmaster at Taylorville, which office he held for a long period.

In 1846 he raised a company for the Mexican war, of which he was chosen captain. The company, however, was rejected by the government, as the quota of the state was full, under the call. Shortly after this President Polk appointed him assistant quartermaster in the United States Army, with the rank of captain. He served through the Mexican campaign with distinction and received high commendation from the colonel of his regiment, W. B. Warren. Returning from the war, he was placed in nomination by his friends as a candidate for congress, but while the balloting was proceeding he arose in the convention and absolutely refused to allow himself to be considered as a candidate. Had he not done this he undoubtedly would have been the nominee of the convention. In 1848 he was chosen by the Democratic party as one of the presidential electors for Illinois, and as such cast his vote for Lewis Cass. In 1849 he was elected county judge for a term of four years, and re-elected at the expiration of that time, serving, in all, eight years. It was during this period that the present county court-house was erected at Taylorville, at a cost of eighteen thousand five hundred dollars, and its erection free from debt may be ascribed to Judge Vandever, who was foremost in the movement to give to Christian county a substantial court-house, without resorting to the issuance of bonds, as was the custom so prevalent in other counties. In November, 1860, he was re-elected a member of the house of representatives, and in 1862 was elected senator

from the district composed of Macoupin, Montgomery, Christian and Shelby counties, and was recognized as one of the strongest members of that body, being one of those clear-headed, constructive and able business managers whose persistent industry, comprehensive grasp of details and power to marshal them for practical results made him invaluable in committee, where legislation is perfected and all important measures are prepared. In June, 1870, he was elected judge of the tenth judicial circuit, embracing the counties of Christian, Montgomery, Fayette and Shelby, to fill the vacancy caused by the resignation of Judge E. T. Rice, of Hillsboro, and in 1873 was re-elected without opposition for the full term of six years. As a presiding judicial officer he rendered many important decisions and established a firm reputation for ability, integrity and impartiality. Though his judicial career comprised years when vindictive party feeling and great political excitement prevailed, yet he ever held the scales justly poised, and no tincture of prejudice or undue bias can be found to have stained his decisions or to have warped his judgment.

In 1868 he founded the Bank of H. M. Vandever & Company, from which, however, he retired in 1875, and since that time it has been owned and operated by his two sons, William T. and Eugene A. Vandever. The sons, however, have retained the name of their illustrious father, who built the foundation so strong that it was rated as the strongest private bank in the United States, its financial stability being fortified by thirteen thousand acres of land located in Christian county.

Judge Vandever was married in 1841 to Miss Mary J. Rucker, a native of Kentucky, who, with their two sons previously mentioned, and a daughter, Mrs. Lizzie V. Kirkwood, of Taylorville, survive their husband and father.

In 1888 Judge Vandever was taken ill with rheumatism, and in 1889 visited the Hot Springs of Arkansas, with, however, but slight benefit. The ailment gradually increased, and, in spite of the tender ministrations of a loving and devoted wife and family and the best medical skill obtainable, he passed away, on the 12th day of March, 1894, mourned by all who knew him, honored by all who love justice and integrity, and secure in a fame that is a part of the commercial, political and legal history of Illinois. Had any evidence been needed to show the high estimation in which Judge Vandever was held by those who knew him best, and among whom so many years of his life were passed, it would have been supplied by the many expressions of grief and of respect with which the news of his death was received. The people, the press and the members of the bar gave formal expression to the feeling of general loss. A just tribute to his character is the following series of resolutions passed by the members of the Bar Association, at a meeting held for the purpose shortly after his death:

Resolved, That in the death of H. M. Vandever the bar of this county has lost its oldest and ablest member, and the community its most distinguished citizen.

The results achieved by him in his professional and business life are the best evidences of his character and ability. As a lawyer he stood in the front rank of successful

practitioners. He was not a specialist, devoting himself to and becoming eminent in one branch of the law alone; he was equally successful in all departments.

As a judge he was able, conscientious and fearless. He brought to the bench, if not profound learning, that which was far more useful, a wide experience in affairs and an almost unerring judgment. In his business life the same singular sagacity, clear judgment and tireless industry secured financial success in an extraordinary degree. Often called to posts of honor and responsibility by his fellow citizens, he discharged every duty with fidelity. His signal ability made him a leader in every field of endeavor that he chose to enter, yet his habits of life were simple and he despised ostentation in all its forms. Stricken with a lingering and fatal malady, he bore with patience and fortitude intense suffering in the closing years of his life. We deeply sympathize with his family in their bereavement, and ourselves will long remember his wise counsel, his kindly presence and helpful assistance.

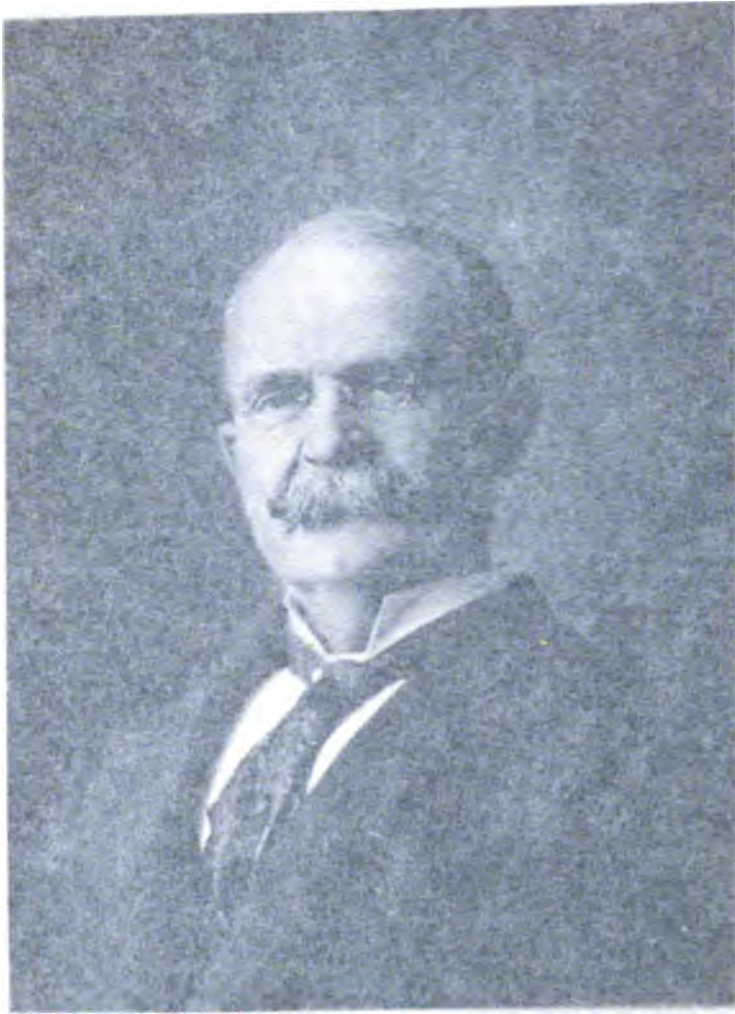
Resolved, That these resolutions be spread upon the records of the circuit court and a copy be furnished to the family of our deceased brother.

Individual members of the bar also delivered eulogies extolling his merits as a lawyer, as a man and as a citizen.

John E. Hogan, of Taylorville, was born in Pana, Christian county, Illinois, on the 30th of November, 1865. The following year his parents removed to Taylorville, where he attended the public schools until fifteen years of age. He then began earning his own livelihood as a clerk in a grocery store and was thus employed until attaining his majority, when, having resolved to make the practice of law his life work, he entered the office of John G. Drennan, who directed his reading and study until his admission to the bar, in February, 1889, at Mount Vernon.

Mr. Hogan at once opened an office and began practice in Taylorville, his business constantly growing with the passing years as he has demonstrated his ability to master the intricate problems of jurisprudence. He served as police magistrate from 1889 until 1892, and from 1893 until 1897 acceptably filled the position of master in chancery. In 1891 he entered into partnership with John G. Drennan, his former preceptor, and a further change was made in the firm by the admission of James L. Drennan in 1894. The following year the senior partner withdrew and the firm then became Hogan & Drennan, which connection has since been maintained. Mr. Hogan is well known as a trial lawyer, and in the presentation of his cases before judge or jury is strong, forceful, earnest and convincing. He is quite expert in the examination of witnesses, and while losing sight of no available point of attack in an opponent's argument he is quick to fortify his own case with sound logic and correct precedent.

Isaac A. Buckingham, of Decatur, was born July 25, 1840, on a farm in Hamilton county, and there spent his boyhood days. He acquired his early education at Farmers College, six miles north of Cincinnati, and later entered the Cincinnati Law School, in which institution he was graduated in April, 1863. On the 3d of September of the same year he came to Decatur, where he has since made his home. Through all the intervening years down to the present he has practiced his profession and has enjoyed a liberal clientage. He served as city attorney of Decatur from 1872 until 1879 and as state's attorney from 1876 until 1880. During the first seven years of his residence here he practiced



C. A. Smith



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in connection with Captain Joel S. Post. That partnership and he was alone in business until 1889, when he formed Charles E. Schroll, with whom he was associated until 1892, he has again been alone, and through all the years of his bar he has won many notable forensic triumphs.

He has taken no active part in politics as an officeholder, but is interested in the questions which concern the welfare of the state. In 1862 he married Miss Martha Simkins, of Ohio, and they have three children.

Charles Adlai Ewing, one of the most prominent lawyers at the bar of Decatur, is well portrayed in the following words of one who knew him well:

"If the life of Mr. Ewing were measured by intellectual power, by purity of purpose, by number of friends, by acquisition of knowledge, by kindness and deeds of patriotism, then these fifty years of life would be ample to round out into full measure the perfect stature of a great man. From infancy to death there was ever a halo of glory about his very presence. Cradled in the lap of a home life that was a study in perfections, his youth furnished choice companionship for a life of charm. Charming of manner, genuinely witty, considerate and tender, generous, always honorable, loving excellence for its own sake, and of emulation, these were characteristics which belonged to him, and which enabled him to move through the arena of an active life with a calm poise and forceful accomplishment of honest and wise ends. The qualities of mind and heart were necessary to the great lawyer, and Mr. Ewing possessed them in that high degree which enabled him to successfully champion individual rights and rescue an innocent man from the most insidious and imminent danger that has threatened the Union. It was he who drove the great Douglas to proclaim that there were but two parties to the great question, those for the Union and those against the Union. It may be said that his concern for the triumph of the honor of his country in the great struggle which triumph he lavishly gave of his time, of his money and of his life may have caused the apparent sacrifice of his noble life. But the Greeks, said: 'The tomb where freedom weeps can be prematurely reached by its inmate. Such martyrdom is but a shadow. A higher fortune can ambition covet?' The bar has lost from it a great lawyer, the state a great citizen, and the country at large a great man. The good that he accomplished is enduring, and is ours to cherish."

"Charles Adlai Ewing was born November 3, 1846, in Kentucky. His father, the Rev. Fielding N. Ewing, moved to Illinois in 1850, and from Bloomington to Chicago in 1859, there purchased a place of several acres just south of the present site of the Cook County hospital. In 1864 he moved to Decatur, Illinois, where he purchased a place in the midst of beautiful and capacious grounds. The Ewing family was instrumental in establishing the first college building of the Methodist Episcopal Seminary, and it is now called Ewing Hall.

"The subject of this memoir was one of the pupils at the Chicago University in the early '60s, and numbered among his classmates Judge Kohlsaat, Frederick A. Smith, Henry A. Gardner and other prominent citizens of Chicago. Mr. Ewing was graduated at Princeton College in the class of 1868 and at the Albany Law School in the class of 1870, and immediately formed a partnership with Hugh Crea, of Decatur, which connection lasted until Mr. Ewing's death, November 6, 1896,—a period of over a quarter of a century. The law firm of Crea & Ewing ranked among the best in the state of Illinois, and possessed a very lucrative practice, numbering among its clients the Wabash and Central Illinois railroads and other large corporations.

"Mr. Ewing owned a number of valuable farms in Macon and McLean counties and was very fond of visiting them and planning and directing their improvements. Having acquired a handsome property, he was enabled to leave his family in very comfortable circumstances. In June, 1871, he married Miss Palmer, of Albany, New York, who, together with her daughters,—Mrs. Oldham, Zella Emma, Eugenia and her son, Charles A.,—survive him.

"In politics Mr. Ewing was always a Democrat, and made a number of vigorous and eloquent campaign addresses in behalf of Democracy. With the exception of a nomination for circuit judge, he neither sought nor would accept office. During the last administration of Governor Oglesby he was appointed by him on a commission, composed of some of the ablest men in the state, with the late Hon. Milton Hay as chairman, to revise the revenue laws of the state, and they formulated a code which was pronounced by the press and the thinking public to be the best adapted to the requirements of the people of all that had ever been presented to an Illinois legislature for adoption. That the legislature failed to enact the new code into law is probably the best commentary on its excellence. Mr. Ewing always referred to this piece of public work with pride and satisfaction.

"In the campaign of 1896 Mr. Ewing devoted his time, money, energy and eloquence to the defeat of the doctrines promulgated by the Chicago convention, and was so alarmed and aroused thereat that he was one of the foremost to bring about the organization of the sound-money Democrats for an active campaign in behalf of the success of the principles of true Democracy as set forth in the platform of the Indianapolis convention. It is generally regarded by Mr. Ewing's friends that the burdens which devolved upon him by the chairmanship of the state central committee, and the concern he felt about the outcome of the election, probably taxed his physical strength beyond endurance, so that after his Peoria speech, the Saturday night before election, he was stricken down and was with difficulty borne to his home in Decatur. Upon his arrival home he seemed to improve, and on election day—his fiftieth anniversary—he was taken in his carriage to the polls to cast his vote. He was permitted to know the results of the election and to rejoice therein; but on the 6th of November, in the early morning, without fear, and in the calm possession of his faculties, surrounded by his family, he passed away to the invisible world. The funeral exercises took place on the following Sunday. Delegations from all parts of

the state were in attendance, and a perfect outpouring of the citizens of Decatur attested the genuine affection felt by the great public for this rare man."

He was an ardent and devoted supporter of the Presbyterian church.

Edmund S. McDonald, one of the representative members of the Macon county bar, has been actively engaged in the practice of law in Decatur for the past eighteen years, and has acquired a truly enviable position in the esteem and honor of the general public and of his brethren in the profession. Possessing a fine education and thorough knowledge of the law, he plans his work and maps it out with the precision, clearness and judgment of a general who skillfully foresees and plans a campaign. While he conducts a large general practice, his specialty is corporation law, in which he is an expert authority. Few men are better qualified to undertake all kinds of municipal corporation work, in the organizing of towns and villages into cities, in preparing codes and constitutions, etc.

A son of John and Nancy (Sisson) McDonald, our subject was born in West Virginia, September 7, 1851. His parents were both natives of Pennsylvania and were residents of West Virginia but a few years. Edmund S. received a public school education, this being later supplemented by a course at the Northwestern University at Evanston, Illinois. He took up the study of law with the firm of Nelson & Robey, and was also assisted and guided in his work by Messrs. Crea & Ewing. In 1880 he began practicing his chosen profession in Decatur, and from that time to the present has conducted his business alone. He was admitted to practice before the supreme court of the United States in 1876, and in 1889 was elected city attorney and served as such for two terms. He uses his right of franchise in favor of the Republican party, and endeavors to discharge his full duty as a citizen and voter. For a period of five years he was a member of the state militia.

The marriage of Mr. McDonald and Miss Annabelle Thomas, of this city, was solemnized in 1893. They have a very attractive home here, and within its hospitable walls often entertain their hosts of friends in this community. They have one little son, Edmund U. by name.

David L. Bunn was born near Bloomington, McLean county, Illinois, on the 27th of September, 1837, and is a son of Rev. D. P. and Mary K. (Moser) Bunn, the former a native of Ross county, Ohio, and the latter of Berks county, Pennsylvania. The father was for over half a century a minister of the Universalist church. In his boyhood David L. Bunn accompanied his parents on their removal to Macon county, Illinois, where they remained for several years, and then went to Mount Pulaski, Logan county, this state, which continued to be their place of residence until 1854, when they took up their abode in Decatur. In the meantime the son had entered Lombard University, of Galesburg, Illinois, and on the completion of his three-years course he joined his parents in their new home.

Through the ensuing three years he successfully engaged in teaching school in Decatur, but desiring to devote his energies to other professional duties he became a law student in the office of Captain Joel S. Post, and in 1862 was

admitted to the bar. At the fall term of the Macon county circuit court he was appointed by Governor Yates to the position of state's attorney for the judicial district composed of Macon, Piatt, Moultrie and Shelby counties, to fill a vacancy occasioned by the resignation of James P. Boyd. He served in that capacity until 1864, when he was elected state's attorney for the regular term of four years. During the last two or three years of his incumbency the counties of Ford, Champaign and Fayette were also included in the circuit, thus materially increasing his duties.

On the expiration of his term Mr. Bunn resumed the private practice of law as a partner of his uncle, A. B. Bunn, and for the past twenty-two years he has been associated in business with Edwin Park, under the firm name of Bunn & Park. His practice is large and of an important nature, and demands thorough understanding of the intricate problems of jurisprudence. That he is lacking in none of the essential elements of the able lawyer is indicated by the many prominent cases which he has won. He has always taken an active interest in the questions and issues affecting the welfare of his state and nation and has been a leader in political circles. Until about twelve years ago he acted with the Republican party, but on the organization of the national Prohibition party he joined its ranks, and has since been a stalwart advocate of its principles. Through a belief in the justice thereof, and not through any hope of securing office, he has consented to become his party's candidate for the office of state senator and for judge of the circuit court. He is active and influential in religious work, and for the past forty years has been a consistent member of the Universalist church.

In July, 1864, he was united in marriage to Miss Amanda M. Suits, who was born near Syracuse, New York, and they have two children,—Frank E. and Edna M.

William Thomas Cussins, numbered among the leading members of the Decatur bar, whose practice in the courts of Macon county extends over a period of more than a quarter of a century, is a native of the grand old "Buckeye" state, his birth having taken place in the city of Zanesville, Muskingum county, September 21, 1845. His father, Samuel A. Cussins, was a native of Pennsylvania, while his mother, whose maiden name was Jane M. Cariens, was born in Maryland. His father was a carpenter by trade and did considerable contracting and building, also spending some of his years as an agriculturist.

After completing his common-school education Mr. Cussins, of this sketch, prepared himself for college in Miller Academy, New Washington, Guernsey county, Ohio. Later he entered Eureka (Illinois) College, where he was assistant professor of Latin for one year previous to his graduation. During his last years of college student life, and afterward, he served efficiently as principal of the schools of Harristown, Bement and Macon, this state. He has always taken great interest in educational matters and has used his vote and influence upon the side of progress, advocating better facilities for the rising generation.

The ancestors of Mr. Cussins were noted for their stanch patriotism and good citizenship. His grandfather Cussins was a soldier in the war of 1812 with

England and half a century later the grandson, our subject, took up arms in defense of the Union. He was but seventeen years of age at the time of his enlistment in Company C, One Hundred and Thirty-ninth Illinois Infantry. For generations the Cussins have been adherents to the principles of the Democratic party, and our subject is no exception to this rule.

A few years after the close of the war Mr. Cussins began the study of law under the guidance of A. B. and Lewis Bunn, and was admitted to the bar in 1871, after passing the required examination, which was conducted by Judge A. J. Gallagher and W. B. Thompson, state's attorney. The young man immediately opened an office in Decatur and has been actively engaged in practice here ever since. He won the favorable opinion of his associates at the start, and the ensuing years have but served to strengthen his standing as a member of the legal profession in this portion of the county. Gifted by nature with a keen, clear mind, which was developed by a liberal education and experience in the school-room, he has steadily advanced along the lines of mental activity, and possesses quick insight, superior judgment and fertility of resource. He manages his cases with masterly skill and tact, and the success which he has achieved in the field of jurisprudence attests his ability and thoroughness in the application of law.

John A. Brown, who for the past thirty-five years has been closely identified with the progress and development of Decatur, is regarded as one of her most enterprising and public-spirited citizens. Perhaps no one is more thoroughly conversant with the subject of landed property and titles in Macon county than he, as he has given his entire time and attention to this branch of business for many years.

A native of Abington, Plymouth county, Massachusetts, born July 23, 1843, Mr. Brown is of the seventh generation from one of the founders of that pretty town. His ancestor, Rev. Samuel Brown, with his little flock of devout disciples, settled in Abington in 1632, and was of that heroic body of Pilgrims who bravely encountered the storms and privations of bleak New England in order that they might enjoy religious freedom. Both of the grandfathers of our subject were soldiers of the Revolutionary war, while his father, Lysander Brown, was a hero of the war of 1812. The mother of John A. Brown bore the maiden name of Polly Cushing.

The first seventeen years in the life of our subject were spent at the old family homestead in Massachusetts; but he, possessing a more adventurous and ambitious spirit than most of his ancestors, determined to try his fortunes in the west, and in 1857 came to Illinois. He had received a good education in his native state, and upon his arrival here he obtained a position as a teacher in the schools of Morgan county. In 1865 he took up his residence in Decatur, teaching for a few terms and later becoming editor on the staff of the daily Republican. His connection with the newspaper continued about two years. In 1873 he commenced the study of law under the direction of Hon. A. Brower Bunn, and was admitted to the bar in Mount Vernon in 1875. He at once began the practice of his profession and entered into partnership with F. B. Tait. This

firm was very successful during the three years of its continuance, but since the connection was severed Mr. Brown has been alone in his law practice.

For a period of sixteen years Mr. Brown was a master in chancery, he having been appointed to that office in Macon county in 1876. Always interested in the cause of education, he was fittingly appointed to serve in this field of endeavor, and during some thirteen years was the treasurer of the school funds of Decatur township. In his political opinions he is a Republican, loyal and interested in the success of his party. During the Civil war he enlisted three times and also took a zealous part in the organization of Union Leagues. Gradually he has drifted into the real-estate and corporation branch of law and represents various firms and corporations, besides promoting some, from time to time. He is a strict man of business, active and energetic, and has never been obliged to lose a day from his office on account of illness. Taking the part of the farming community, Mr. Brown was largely instrumental in bringing about lower freight and passenger rates on the different railroads of this state, as he and others made such an aggressive stand on the matter that legislation was resorted to, and our present laws were put in force.

On New Year's Day, 1868, Mr. Brown married Miss Annie L. Fowler, of Decatur. They have two daughters,—Alma May and Jessie Brown.

Charles H. Layman is numbered among the ablest members of the bar of southern Illinois, and his extensive legal business at once indicates his masterful skill in handling the intricate problems of jurisprudence, at the same time bringing him a substantial financial return for his well directed energies. He was born June 18, 1848, in Williamson county, Illinois, and is a son of John D. and Nancy (Fitts) Layman. The family had its origin in the Land of the Alps, and in the early settlement of America three brothers of the name left the mountain crowned country of Switzerland to seek homes in the New World. One located in New York, the second in Ohio and the third in Alabama, and it is from the last mentioned that our subject is descended. Numerous representatives of the name now reside in Ohio and Pennsylvania. The father of our subject was born and reared near Huntsville, Alabama, whence he emigrated to Illinois about the year 1825. He died on the 28th of April, 1850, near Locust Grove, Franklin county, this state, and his wife, who was a native of Tennessee, died in Benton, May 30, 1886. They were the parents of eight children: Tabitha, wife of Levi Browning; S. J., a physician of Tamaroa, Illinois; Thomas J. and Nerissa, both deceased; Eliza, of Benton; Charles H.; Judge M. T., of Jacksonville, Illinois; and Malissa E., deceased.

In the common schools of his native county, Judge Layman was educated, pursuing his studies in the intervals when his services were not needed on the home farm. He assisted in the cultivation of the fields through the summer months, and often in the winter season aided in clearing land for the next spring's planting. He was a youth of industrious habits, fond of books, and his first step after leaving school was to take up the study of law. He had learned through history of the men who had won honor and distinction in the legal profession and with an inherent love of justice and right he resolved to



C. H. Layton



acquaint himself with the science which underlies our laws and stands as the protection of life, liberty and property. After thorough and systematic preparation he was admitted to the bar in 1868, and began the practice of law in Murphysboro, Illinois, in 1870. Steadily he worked his way upward in his profession, and the ability with which he handled the intricate problems of law entrusted to his care led to his selection for judicial honors in 1873, when he was elected county judge of Jackson county for a four-years term. His service on the bench won him high commendation. He discharged his duties with dispatch and at the same time neglected no point, however minor, and his decisions were regarded as models of judicial soundness. In 1878 he was elected to the state legislature and the following year was appointed by President Hayes to the position of United States attorney of Wyoming territory. He has been engaged in the practice of law in Benton since 1881, and has been connected with the most important litigation heard in the courts of southern Illinois during that period. He is renowned for his careful preparation of cases. He gives to the cause entrusted to his care the deepest study and most earnest thought, and his thorough familiarity with the contested points makes it impossible to surprise him along any line of attack in the courtroom. He guards the interests of his clients with the vigilance with which he cares for his own. He is especially strong in pleading and in argument, and the logical sequence of his deductions is rarely called into question. He was counsel in the Pry land case, reported in the 109th Illinois; the Mace murder case, which was tried in Benton in 1897 and was the primary counsel in the suit in reference to the operation of passenger trains in addition to freight trains. This important case was heard before the court, at Benton, January 9, 1894, and later before the supreme court of the state, where was brought to light a fundamental principle of law that had lain dormant in Illinois for half a century, namely: that railroads must operate passenger trains in addition to and independent of freight or mixed trains. As the result of the learning and ability of Mr. Layman and his careful and thorough preparation this case was developed and the decision rendered has had an important bearing upon similar suits since.

During the civil war Mr. Layman gave evidence of his loyalty to the Union by enlisting as a member of Company B, Eighty-ninth Illinois Volunteer Infantry, August 11, 1862. For almost three years he valiantly aided his country, participating in many a hard fought battle, and when victory perched aloft on the Union arms he received an honorable discharge, on the 24th of June, 1865. His political support has ever been given to the Republican party and he is a stalwart champion of its principles and policy. He belongs to the Grand Army of the Republic and was commander of the first post of Franklin county, organized in 1867. His life has ever been characterized by fidelity to all civil, military and professional duties, and Benton numbers him among her valued citizens.

Thomas J. Layman left an indelible impression on the public life of Benton, Franklin county. No citizen of the community was ever more respected and no man ever more fully enjoyed the confidence of the people or more richly deserved the esteem in which he was held. As a lawyer he stood pre-eminently

high, and through thirty years was recognized as one of the most able practitioners in corporation law in his part of the state. In the "learned professions" advancement must depend upon individual merit; influence cannot secure it, nor wealth purchase it. It was by earnest and systematic preparation and a continued study of the principles of jurisprudence that Mr. Layman won and retained an enviable position among his fellow members of the bar, all of whom held him in the highest regard, by reason of his great fairness and courtesy to an opponent.

A native of Franklin county, Illinois, Mr. Layman was born on the 8th of January, 1838, and was a brother of Judge Charles H. Layman, whose sketch precedes this. He was indebted to the common schools for the educational privileges he received, and extensive reading in later years broadened his fund of general knowledge. At the age of nineteen he began teaching school and also studied law under the preceptorage of Judge Andrew D. Duff, of Benton, Illinois, and continued thus to occupy his time until May, 1861, when President Lincoln issued his first call for seventy-five thousand volunteers, to crush out the rebellion in its incipiency. He joined the boys in blue of Company C, Eighteenth Illinois Infantry, commanded by Captain William S. Crawford, but his health became impaired and he was discharged on the 9th of December following.

For some months after returning to the north Mr. Layman suffered from the effects of his army life. When he had sufficiently recovered he resumed the study of law under the direction of Judge Duff, and in 1862 was admitted to the bar, by the supreme court of Illinois. Later he was admitted to practice in the federal and supreme courts of the United States, and in his profession enjoyed a constantly increasing clientage. The zeal with which he devoted his energies to his profession, the careful regard evinced for the interests of his clients, and an assiduous and unrelaxing attention to all the details of his cases, brought him a large business and made him very successful in its conduct. His arguments elicited warm commendation, not only from his associates at the bar, but also from the bench. He was also a very able writer, his briefs showing wide research, careful thought and the best and strongest reasons which could be urged for his contention, presented in cogent and logical form, and illustrated by a style unusually lucid and clear. During the last years of his life he devoted most of his time to suits involving land titles and to those involving the validity of bonds issued by counties and other municipal corporations to railroads, and his success in that line won him a reputation that but few lawyers of the present day can claim. He had several bond cases pending in the federal courts at the time of his death, among them the suit relating to the bonds of Perry county, amounting to two hundred thousand dollars, but in this case, as in almost all others, as was his custom and rule of life, his case was all prepared and almost all of his work done in advance of the call.

Mr. Layman was married May 14, 1868, to Miss Elizabeth R. Lemen, a daughter of John Lemen, of DuQuoin, and they became the parents of four children: John C., Mattie B., Carrie and Thomas J. As a husband, father and

neighbor the affection and kindness of our subject knew no bounds. His home relations were ideal, and he regarded no personal sacrifice too great that would enhance the welfare or happiness of his family.

In politics Mr. Layman was a stalwart Republican from the time when he cast his first presidential vote for Abraham Lincoln, in 1860, and he supported that party when it required personal heroism to do so. He was not a politician, and sought no political honors. He was often urged to become a candidate for office, and would undoubtedly have been elected to the circuit bench had he not declined the honor. He also received the support of the bench and bar of Illinois and a large number of the Illinois representatives and senators in congress for the office of judge of the "private-land court." His integrity of character and many generous qualities, together with his remarkably kind and cordial address, won for him personal popularity and the highest respect. He died at his home in Benton, January 15, 1892, thus ending a life which would bear the closest scrutiny of the Higher Court.

Judge Daniel M. Browning has exemplified in his career, in a marked degree, what a high position a young man may rise to in this country, provided that he possess natural ability, perseverance and honest determination to succeed. Not very many men, however, can boast of having accomplished so much as he to whom this tribute is penned. His talents were recognized and his unusual merits canvassed when he was just entering upon manhood, with the result that he was placed on the bench of the county court of Franklin county before he had seen the twenty-fourth anniversary of his birth. His personal popularity was such that overwhelming majorities of the opposition party were overcome in his favor, and time after time he was re-elected. Having held the judgeship for the long period of sixteen years, and not yet having reached two-score years, he retired to private life and has since conducted a flourishing and lucrative practice.

A native of Benton, Franklin county, Daniel Monroe Browning was born October 11, 1846, his parents being William R. and Lydia Browning. His father was likewise a native of this county, his birth having occurred in 1810. He was one of the pioneers of this section at a time when there were very few residents here, and he is justly entitled to be called one of the founders of this county's prosperity. He was a man of superior ability, largely self-made and self-educated, and no one was held in higher esteem in this community than he. When well along in life he took up the practice of law, and at one time or another he occupied almost all of the county offices within the gift of his fellow-citizens. His death, which occurred in this county June 29, 1866, was looked upon as a great public loss.

The boyhood of Judge Browning passed quietly and without important event, save that the great Civil war, which came on when he had reached an impressive age, made a lasting mark upon his mind and apparently added years to his powers of judgment and methods of viewing the great questions of life. Those "times which tried men's souls" could not fail to leave indelible impressions upon the minds of all, and a few months, oftentimes, ripened the unthinking

youth into the man of sober thought and matured judgment. Young Browning was privileged to receive an academic education, after completing which he entered upon the law course in the State University of Indiana, and was graduated there in June, 1866. The same month he passed an examination before the supreme court of Illinois and was admitted to the bar of the state before he was twenty years of age. He at once opened an office and embarked in the practice of his chosen profession. His initial work in this direction was conducted in the town of Benton, where he had been born and brought up, and perhaps the ambitious young lawyer found out the truth of the old saying, that "a prophet is not without honor save in his own country." At any rate, he deemed it best to teach in the public schools for a year or two thereafter, while waiting for added years and dignity and experience.

From the time that he first received the right of franchise until the present Judge Browning has been a zealous Democrat. His personal worth and popularity led to his being elected county judge of his home county in November, 1869, and so well did he satisfy the wishes of the people that he was their candidate again in 1873 and 1877, almost no opposition being encountered by his friends. In June, 1879, he was further honored by being elected circuit judge of the first judicial circuit of Illinois. His ability and high standing in the estimation of the people and the profession which he adorns may be judged by the fact that this circuit gave him a flattering vote, whereas it is usually Republican by a majority of two thousand or more. Since June, 1885, he has been engaged in private practice. April 17, 1893, Judge Browning was appointed by President Cleveland to the office of commissioner of Indian affairs, and continued to discharge the duties of that position until May 2, 1897, and he then removed from his old home in Benton to East Saint Louis, where he entered into partnership with the Hon. W. S. Forman, with whom he has since been associated. In 1882 he was elected grand master of Masons of Illinois and a year later was re-elected to said position. Since he was seventeen years of age he has been a member of the Baptist church of Benton.

October 11, 1866, the twentieth anniversary of his birth, Judge Browning married Miss Tirzah Isabel Naylor, of Benton. They have three living children, namely: Olive, wife of Professor S. B. Whittington, of the Southern Illinois Normal University; Elsie, wife of Robert A. Cochran, superintendent of the Quapaw Indian school at Baxter Springs, Kansas; and H. Leroy, a young man of twenty-three years, now engaged in the practice of law in partnership with his father in East Saint Louis. He is a graduate of the law department of the Columbian University, of Washington, D. C., and was recently appointed United States commissioner for the state of Illinois.

Carroll C. M. Van B. Payne has been during his entire life numbered among the inhabitants of Franklin county, and is a representative citizen of Benton. He has always firmly upheld good laws and government, and when the peace and stability of his loved country was threatened at the outbreak of the civil war he took up arms against the enemies of the Union, and bravely fought for the cause which he believed to be right.

The family whence our subject sprang has long been considered one of the prominent ones of this section of the state. His father, Lewis G. Payne, was an influential farmer of Franklin county, and at various times occupied official positions of trust and responsibility. For years he was a justice of the peace and school commissioner, and the higher offices of sheriff and county treasurer also were his. For some time he served in the capacity of deputy county clerk and was a member of the county court. Born in North Carolina in 1811, he lived to see his eighty-second anniversary, his death occurring in 1893. He married, in his young manhood, Miss Charity Brilton. The traditions of the Payne family trace the origin of the family in the United States to three brothers of the name who settled here in early colonial days. They were of sturdy, industrious, prosperous Scotch-Irish stock, and many of their best characteristics have been transmitted to their descendants.

Carroll Carlin Martin Van Buren Payne was born in Franklin county, Illinois, January 26, 1839. When he was old enough he was sent to the subscription schools of the day, and subsequently he was a student in the schools which were managed on the present system. Completing the limited curriculum of these schools about 1858, he soon commenced the study of law under the guidance of Zebedee Hammock, of Tamaroa, Perry county, Illinois. He was not then strong enough for the arduous labor of the farm, and this fact led to his taking up a quieter occupation. His studies, however, were interrupted about this time by the war of the Rebellion.

In September, 1862, he tendered his services to the Union, enlisting in Company F, One Hundred and Tenth Regiment of Illinois Volunteer Infantry. Though he was but twenty-three years of age he was elected first lieutenant of the company and discharged the duties of that office with fidelity and zeal, winning the commendation of his superiors and comrades alike. Upon returning from the southern battlefields he resumed his legal studies, finishing his education in that line under the preceptorage of Judge A. D. Duff, of the Benton Law School. He was examined by Judge W. J. Allen and E. V. Pierce and was admitted to the bar, since which time he has been engaged in practice, with little interruption. In 1864 and 1865 he served as circuit clerk and in 1868 was elected to the Illinois legislature. He has always been a stalwart Democrat, and has frequently made stirring speeches for his party principles and nominees. At present he is acting in the office of United States commissioner, having been appointed by Judge W. J. Allen. Prior to this he was a police magistrate in Benton, from 1889 to 1895. In his religious views he coincides with the creed of the Missionary Baptist church.

The marriage of Mr. Payne and Eliza R. Penny was solemnized April 14, 1864, in Benton. Mrs. Payne was born in Benton and was here reared to womanhood. Her parents were pioneers of this county, coming here from Lebanon, Tennessee. The eldest child of our subject and wife is Edwin, born April 2, 1865, and the other children are Minnie, Philip Duff, Lester Bond, William Judson, John Lewis, Mary Jennette and Beatrice.

William H. Hart, an enterprising member of the Benton bar, has been asso-

ciated with William F. Spiller under the firm name of Hart & Spiller for the past four years in this place. He is an able exponent of the law and stands high in the estimation of his fellow citizens and his professional brethren in Franklin county. Some eight years ago he engaged in his chosen life work here, and from that time to the present he has enjoyed an extensive and lucrative practice. Possessing a clear, logical mind and thorough knowledge of the law, he prepares his cases with directness and dispatch, and when appearing before judge and jury proceeds directly to the point at issue, without waste of time or words. His concise, straightforward arguments carry conviction and weight, and rarely fail of their desired effect.

The parents of Mr. Hart were poor, but industrious, honorable and noble Christian people. The father, William Jasper Hart, is still living and is hale and hearty, his home still being on the old homestead, which he has managed for many years with skill and success. His wife, whose maiden name was Sarah Ann Murphy, a most estimable woman, died in 1876, a faithful member of the Missionary Baptist church. She was of Irish ancestry, while W. J. Hart is of English descent.

William Henry Hart was born August 31, 1862, at Lake Creek, Williamson county, Illinois. In his early boyhood he attended the district schools in the vicinity of his country home, and when he was fifteen he commenced attending the public schools in Benton. In 1881 he left his high-school studies in order to assume charge of a district school in this (Franklin) county, and for the following nine years he was engaged in educational work in this section and in De Soto, Jackson county; Coulterville, Randolph county, and Harrisonville, Monroe county, Illinois. In 1867 he had removed with his father to this county, and since 1877 he has looked upon Benton as his home. At first, in his career as an educator, he received but twenty-six dollars a month, but gradually his services were better paid, and during the years that he acted in the capacity of principal his remuneration was quite adequate to meet his expenses and to provide many of the luxuries, as well as necessities, of life. His ambitions had not yet been satisfied, however, and he decided to enter the legal arena and strive for a foothold. He had not been long engaged in practice in Benton ere he was nominated for the office of village attorney, and was duly elected. He has always affiliated with the Democratic party, and in 1898 was their nominee for the county judgeship, and is now the county judge of Franklin county. For two years he had an office with Hon. D. M. Browning and W. S. Cantrell, but since 1894 he has been in partnership with W. F. Spiller. They represent the Benton State Bank and the Chicago & Eastern Illinois Railroad Company as attorneys and receive the patronage of a large share of the local population.

Mr. Hart's home is in the town, but he also owns and manages a fine farm of one hundred and twenty acres in this vicinity. He is active in the Democratic party and during the last presidential campaign was a strong and influential champion of "free silver" and Bryan. He is in favor of giving suffrage to women, and is strongly antagonistic towards the licensing of saloons. Since 1897 he has been a Master Mason, but, though he freely acknowledges the good that is

wrought by secret societies, he believes that the country would be better off if no such orders existed. It is his firm opinion that the cause of Christ suffers to a certain extent, financially and otherwise, by the presence of the various secret fraternities, and that the church was created to meet all needs of social and fraternal association. He is one of the members and trustees of the Christian, or Disciples' church of Benton, as is also his wife.

August 29, 1890, Mr. Hart married Mary Ward East, in Coulterville, Illinois. At the time of their marriage Mrs. Hart was a teacher in the public schools of Coulterville, where she had been employed for several terms, meeting with success as an instructor of the young. She is a daughter of S. M. East, a druggist and well-to-do business man of that town. The two children who brighten the home of Mr. and Mrs. Hart by their presence are William Ward, born July 19, 1894, and Marion Murphy, born May 24, 1896.

William F. Spiller is one of the most wide-awake and popular attorneys at the bar of Franklin county. A native of this county, he has passed almost his whole life within its boundaries, and here, where he is so well known, naught but good is said of him, and kind wishes follow him wherever he goes. He is now a junior partner in the firm of Hart & Spiller, which firm disposes of a goodly portion of the law cases of Benton and surrounding country.

While he stands deservedly high in professional circles, Mr. Spiller is no less a favorite in the political ranks of the Democratic party. Four years prior to his admission to the bar of Franklin county he was elected to the office of circuit clerk, and acted in that capacity until 1888, a term of four years. He was further honored in 1892, when he was elected as state's attorney, his term expiring in 1896. He proved a thoroughly practical and efficient official, prompt, reliable and trustworthy. It is said, and truly, that he might have almost any public office within the gift of the people of his acquaintance, but he is modest and reserved, and is not an office-seeker in any sense of the term.

William F. Spiller was born February 27, 1858, in this county, as previously mentioned, his parents being Perian B. and Nancy K. (Osten) Spiller. The father was of Irish descent, while the mother was of German extraction. The boyhood of our subject was spent in the usual routine work of a farm, his education being that afforded by the district schools, supplemented by a fifteen-months course in the Northern Indiana Normal School, at Valparaiso, Indiana. Returning home from that well known educational institution, young Spiller engaged in teaching in this county and continued in that field of endeavor for seven years,—from 1878 to 1885. During this period he taught school for one year,—the winter of 1880-81,—in Kansas, and while there began the study of law under the instruction of A. H. Skidmore, of Columbus, that state. When he returned to this, his native county, he entered the law office of Judge Browning, and having completed the required amount of study, was admitted to the bar in 1888, in Mount Vernon. The law class of which he was a member was dubbed the "cyclone" class, owing to the fact that a cyclone struck the town of Mount Vernon at the time that he and his fellow students were to be examined, and said

exercises were necessarily deferred to a later date. He has been prospered since he became a full-fledged attorney and is yearly enlarging the sphere of his usefulness and activity.

February 25, 1883, Mr. Spiller married Miss Ella Harrison, a daughter of Captain Isham Harrison. Five children blessed their union, but the three sons are deceased, and only two little daughters, Clara and Pearl, remain to brighten the home. Mr. and Mrs. Spiller are members of the Christian church and are active and interested in all good works.

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